submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—

(1) IN GENERAL.—The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) Any recommendations regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) OTHER CONTENT.—The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term ''Air America'' means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term ''associated company'' means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

TEXT OF AMENDMENTS

SA 5268. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. ELIGIBILITY OF SPOUSES OF MILITARY PERSONNEL FOR THE WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting '', or'', and by adding at the end the following new subparagraph:

''(J) either—

''(i) a qualified military spouse (as defined in subsection (l)(1)), or

''(ii) subject to subsection (l)(2), an eligible teleworking military spouse.''.

(b) DEFINITIONS AND RULES RELATING TO QUALIFIED MILITARY SPOUSES.—Section 51 of such Code is amended by adding at the end the following new subsection:

''(l) DEFINITION OF QUALIFIED MILITARY SPOUSE; ENHANCED CREDIT FOR ELIGIBLE TELEWORKING MILITARY SPOUSES.—For purposes of this section—

''(1) DEFINITION OF QUALIFIED MILITARY SPOUSE.—For purposes of subsection (d)(1)(J), the term 'qualified military spouse' means any individual (other than an eligible teleworking military spouse) who is certified by the designated local agency as being a spouse (determined as of the hiring date) of a member of the Armed Forces of the United States who is serving on a period of extended active duty which includes the hiring date. For purposes of the preceding sentence, the term 'extended active duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(2) ENHANCED CREDIT FOR ELIGIBLE TELEWORKING MILITARY SPOUSES.—

''(A) IN GENERAL.—Notwithstanding subsection (a), in the case of an employer with respect to whom an individual is an eligible teleworking military spouse by reason of employment with such employer described in subparagraph (B), the credit determined under this section—

''(i) shall be allowable for any taxable year which includes any portion of the eligibility period with respect to the spouse, and

''(ii) shall, with respect to any such taxable year, be equal to 40 percent of the qualified wages paid by the employer with respect to such employment occurring during such portion of the eligibility period.

''(B) ELIGIBLE TELEWORKING MILITARY SPOUSE.—For purposes of subsection (d)(1)(J) and this paragraph, the term 'eligible teleworking military spouse' means, with respect to any employer, an individual—

''(i) who is certified by the designated local agency as being a spouse (determined as of the hiring date) of a member of a regular component of the Armed Forces of the United States,

''(ii) substantially all of whose employment with the employer is reasonably expected to consist of services performed at the principal residence (within the meaning of section 121) of the individual, and

''(iii) whose qualified wages (expressed as an annual amount) for services performed for the employer are reasonably expected to equal or exceed an amount equal to 150 percent of the median annual earnings for the United States (determined on the basis of the most recent occupational employment survey published by the Bureau of Labor Statistics before the calendar year in which the taxable year begins).

''(C) ELIGIBILITY PERIOD.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'eligibility period' means, with respect to any individual who is an eligible teleworking military spouse, the period—

''(I) beginning on the hiring date of the individual, and

''(II) except as provided in clause (ii), ending on the earlier of the last day of the employment described in subparagraph (B) or the last day of the taxable year in which occurs the date on which the individual's spouse ceases to be a member of a regular component of the Armed Forces of the United States.

''(ii) FAILURE TO MEET EMPLOYMENT AND WAGE REQUIREMENTS.—If the requirements of clauses (ii) and (iii) of subparagraph (B) are not met with respect to any individual for any taxable year—

''(I) the individual shall cease to be an eligible teleworking military spouse with respect to the employer as of the beginning of the taxable year, and

''(II) the employer shall not treat the individual as an eligible teleworking military spouse for any subsequent taxable year.

This clause shall not apply to any failure which is due to unforeseen circumstances or is beyond the control of the employer.

''(D) QUALIFIED WAGES.—The term 'qualified wages' has the meaning given such term by subsection (b)(1), except that the amount of wages which may be taken into account with respect to any eligible teleworking military spouse for any taxable year shall not exceed $12,000.''.

(c) EFFECTIVE DATE.—The amendments made this section shall apply to amounts paid or incurred after the date of the enactment of this Act to individuals who begin work for the employer after such date.

SA 5269. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. FEDERAL EMPLOYMENT PREFERENCES FOR MILITARY SPOUSES.

(a) ELIGIBILITY OF MILITARY SPOUSES FOR PREFERENCE.—Section 2108(3) of title 5, United States Code, is amended—

(1) in subparagraph (F)(iii), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (G)(iii), by striking the semicolon at the end and inserting ''; and''; and

(3) by inserting after subparagraph (G) the following new subparagraph:

''(H) the wife or husband of an individual serving on active duty or with orders to report for a period of active duty in excess of 90 days or for an indefinite period;''.

(b) ELIGIBILITY FOR ADDITIONAL POINTS ABOVE EARNED RATING ON COMPETITIVE SERVICE EXAMINATIONS.—Section 3309(2) of such title is amended to read as follows:

''(2) a preference eligible under subparagraphs (A), (B), or (H) of section 2108(3) of this title—5 points.''.

SA 5270. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. REPORT ON CREATING WORK OPPORTUNITIES FOR UNDERGRADUATE AND GRADUATE LEVEL EDUCATED MILITARY SPOUSES.

(a) STUDY.—The Under Secretary of Defense for Personnel and Readiness, in conjunction with the Deputy Under Secretary of Defense for Military Community and Family Policy, shall conduct a study of the challenges that face qualified military spouses who possess an undergraduate or graduate level education in finding and maintaining employment during the terms of service of their active duty spouses.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional committees a report on the study conducted under subsection (a).

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description of the major challenges that face qualified military spouses who posses an undergraduate or graduate level education in finding and maintaining employment during the terms of service of their spouses.

(B) A listing of significant incentive programs the Department of Defense could utilize to create incentives for the hiring of undergraduate and graduate level qualified military spouses, including those the Department can implement independently and those that require statutory changes.

(C) A description of the resources available to qualified military spouses with graduate and undergraduate educations for assistance in finding and maintaining employment.

(D) An examination of the retention implications of insufficient employment opportunities for qualified military spouses with undergraduate or graduate level educations.

(E) A description of current programs to assist qualified military spouses with undergraduate and graduate level educations in securing telecommuting and home office employment.

(c) QUALIFIED MILITARY SPOUSE DEFINED.—In this section, the term ''qualified military spouse'' means a spouse of a member of the Armed Forces who is serving on a period of extended active duty which includes the hiring date. For purposes of the preceding sentence, the term ''extended active duty'' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

SA 5271. Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table, as follows:

On page 329, after line 14, add the following:

SEC. 1110. DIRECT HIRE AUTHORITY FOR CERTAIN POSITIONS AT PERSONNEL DEMONSTRATION LABORATORIES.

(a) AUTHORITY.—The Secretary of Defense may make appointments to positions described in subsection (b) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) POSITIONS DESCRIBED.—This section applies to candidates possessing an advanced degree with respect to any scientific or engineering position within a laboratory identified in section 9902(c)(2) of title 5, United States Code.

(c) LIMITATION.—(1) Authority under this section may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of positions greater than the number equal to 2 percent of the total number of positions within such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) For purposes of this subsection, positions shall be counted on a full-time equivalent basis.

(d) EMPLOYEE DEFINED.—As used in this section, the term ''employee'' has the meaning given such term by section 2105 of title 5, United States Code.

(e) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2013.

SA 5272. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XIV, add the following:

SEC. 1433. LANGUAGE AND INTELLIGENCE ANALYST TRAINING PROGRAM.

(a) IN GENERAL.—Section 922 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 50 U.S.C. 402 note) is amended to read as follows:

''SEC. 922. LANGUAGE AND INTELLIGENCE ANALYST TRAINING PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of National Intelligence.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(3) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(4) PROGRAM.—The term 'program' means the grant program to promote language and intelligence analysis training authorized by subsection (b).

''(b) AUTHORITY.—The Director is authorized to carry out a grant program to promote language and intelligence analysis, as described in this section.

''(c) PURPOSE.—The purpose of the program shall be to increase the number of individuals qualified for an entry-level language analyst or intelligence analyst position within an element of the intelligence community by providing—

''(1) grants to qualified institutions of higher education, as described in subsection (d); and

''(2) grants to qualified individuals, as described in subsection (e).

''(d) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—(1) The Director is authorized to provide a grant through the program to an institution of higher education to develop a course of study to prepare students of such institution for an entry-level language analyst or intelligence analyst position within an element of the intelligence community.

''(2) An institution of higher education seeking a grant under this subsection shall submit an application describing the proposed use of the grant at such time and in such manner as the Director may require.

''(3) The Director shall award a grant to an institution of higher education under this subsection—

''(A) on the basis of the ability of such institution to use the grant to prepare students for an entry-level language analyst or intelligence analyst position within an element of the intelligence community upon completion of study at such institution; and

''(B) in a manner that provides for geographical diversity among the institutions of higher education that receive such grants.

''(4) An institution of higher education that receives a grant under this subsection shall submit to the Director regular reports regarding the use of such grant, including—

''(A) a description of the benefits to students who participate in the course of study funded by such grant;

''(B) a description of the results and accomplishments related to such course of study; and

''(C) any other information that the Director may require.

''(5) The Director is authorized to provide an institution of higher education that receives a grant under this section with advice and counsel related to the use of such grant.

''(e) GRANTS TO INDIVIDUALS.—(1) The Director is authorized to provide a grant through the program to an individual to assist such individual in pursuing a course of study—

''(A) identified by the Director as meeting a current or emerging mission requirement of an element of the intelligence community; and

''(B) that will prepare such individual for an entry-level language analyst or intelligence analyst position within an element of the intelligence community.

''(2) The Director is authorized to provide a grant described in paragraph (1) to an individual for the following purposes:

''(A) To provide a monthly stipend for each month that the individual is pursuing a course of study described in paragraph (1).

''(B) To pay the individual's full tuition to permit the individual to complete such a course of study.

''(C) To provide an allowance for books and materials that the individual requires to complete such course of study.

''(D) To pay the individual's expenses for travel that is requested by an element of the intelligence community related to the program.

''(3)(A) The Director shall select individuals to receive grants under this subsection using such procedures as the Director determines are appropriate.

''(B) An individual seeking a grant under this subsection shall submit an application describing the proposed use of the grant at

such time and in such manner as the Director may require.

''(C) The total number of individuals receiving grants under this subsection at any 1 time may not exceed 400.

''(D) The Director is authorized to screen and qualify each individual selected to receive a grant under this subsection for the appropriate security clearance without regard to the date that the employment relationship between the individual and the element of the intelligence community is formed.

''(4) An individual who receives a grant under this subsection shall enter into an agreement to perform, upon such individual's completion of a course of study described in paragraph (1), 1 year of service within an element of the intelligence community, as approved by the Director, for each academic year for which such individual received grant funds under this subsection.

''(5) If an individual who receives a grant under this subsection—

''(A) fails to complete a course of study described in paragraph (1) or the individual's participation in the program is terminated prior to the completion of such course of study, either by the Director for misconduct or voluntarily by the individual, the individual shall reimburse the United States for the amount of such grant (excluding the individual's stipend, pay, and allowances); or

''(B) fails to complete the service requirement with an element of the intelligence community described in paragraph (4) after completion of such course of study or if the individual's employment with such element of the intelligence community is terminated either by the head of such element for misconduct or voluntarily by the individual prior to the individual's completion of such service requirement, the individual shall—

''(i) reimburse the United States for full amount of such grant (excluding the individual's stipend, pay, and allowances) if the individual did not complete any portion of such service requirement; or

''(ii) reimburse the United States for the percentage of the total amount of such grant (excluding the individual's stipend, pay, and allowances) that is equal to the percentage of the period of such service requirement that the individual did not serve.

''(6)(A) If an individual incurs an obligation to reimburse the United States under subparagraph (A) or (B) of paragraph (5), the head of the element of the intelligence community that employed or intended to employ such individual shall notify the Director of such obligation.

''(B) Except as provided in subparagraph (D), an obligation to reimburse the United States incurred under such subparagraph (A) or (B), including interest due on such obligation, is for all purposes a debt owing the United States.

''(C) A discharge in bankruptcy under title 11, United States Code, shall not release an individual from an obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the final decree of the discharge in bankruptcy is issued within 5 years after the last day of the period of the service requirement described in subparagraph (4).

''(D) The Director may release an individual from part or all of the individual's obligation to reimburse the United States incurred under such subparagraph (A) or (B) if the Director determines that equity or the interests of the United States require such a release.

''(f) MANAGEMENT.—In carrying out the program, the Director shall—

''(1) be responsible for the oversight of the program and the development of policy guidance and implementing procedures for the program;

''(2) solicit participation of institutions of higher education in the program through appropriate means; and

''(3) provide each individual who participates in the program under subsection (e) information on opportunities available for employment within an element of the intelligence community.

''(g) PENALTIES FOR FRAUD.—An institution of higher education or the officers of such institution or an individual who receives a grant under the program as a result of fraud in any aspect of the grant process may be subject to criminal or civil penalties in accordance with applicable Federal law.

''(h) CONSTRUCTION.—Unless mutually agreed to by all parties, nothing in this section may be construed to amend, modify, or abrogate any agreement, contract, or employment relationship that was in effect on the day prior to the date of enactment of the National Defense Authorization Act for Fiscal Year 2009.

''(i) EFFECT OF OTHER LAW.—The Director shall administer the program pursuant to the provisions of chapter 63 of title 31, United States Code and chapter 75 of such title, except that the Comptroller General of the United States shall have no authority, duty, or responsibility in matters related to this program.''.

(b) CLERICAL AMENDMENTS.—

(1) IN GENERAL.—The table of contents in section 2(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1811) is amended by striking the item relating to section 922 and inserting the following:

''Sec. 922. Language and intelligence analyst training program.''.

(2) TITLE IX.—The table of contents in that appears before subtitle A of title IX of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2023) is amended by striking the item relating to section 922 and inserting the following:

''Sec. 922. Language and intelligence analyst training program.''.

SA 5273. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. PROVISION TO INJURED MEMBERS OF THE ARMED FORCES OF INFORMATION CONCERNING BENEFITS.

Section 1651 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 476; 10 U.S.C. 1071 note) is amended to read as follows:

''SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

''(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—Not later than October 1, 2008, the Secretary of Defense shall develop and maintain, in a handbook and on a publically-available Internet website, a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the separation or retirement of the member from the Armed Forces as a result of a serious injury or illness.

''(b) CONTENTS.—The handbook and Internet website shall include the following:

''(1) The range of compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and other factors affecting compensation and benefits as the Secretary considers appropriate.

''(2) Information concerning the Disability Evaluation System of each military department, including—

''(A) an explanation of the process of the Disability Evaluation System;

''(B) a general timeline of the process of the Disability Evaluation System;

''(C) the role and responsibilities of the military department throughout the process of the Disability Evaluation System; and

''(D) the role and responsibilities of a member of the Armed Forces throughout the process of the Disability Evaluation System.

''(3) Benefits administered by the Department of Veterans Affairs that a member of the Armed Forces would be entitled upon the separation or retirement from the Armed Forces as a result of a serious injury or illness.

''(4) The 20 most common serious injuries or illnesses that result in a member of the Armed Forces separating or retiring from the Armed Forces, and the benefits associated with each injury or illness.

''(5) A list of State veterans service organizations and nonprofit veterans service organizations, and their contact information and Internet website addresses.

''(c) CONSULTATION.—The Secretary of Defense shall develop and maintain the comprehensive description required by subsection (a) in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security.

''(d) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a) on a periodic basis, but not less often than annually.

''(e) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the handbook to each member of the Armed Forces under the jurisdiction of that Secretary as soon as practicable following an injury or illness for which the member may retire or separate from the Armed Forces.

''(f) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the handbook, the handbook shall be provided to the next of kin or a legal representative of the member, as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section.''.

SA 5274. Mr. SCHUMER (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. ESTABLISHMENT OF NATIONAL CEMETERY IN SOUTHERN COLORADO REGION.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States

Code, a national cemetery in El Paso County, Colorado, to serve the needs of veterans and their families in the southern Colorado region.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Colorado and local officials in the southern Colorado region; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in El Paso County, Colorado, that would be suitable to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) INCOME TAX TREATMENT OF GIFT.—For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

(e) RELATIONSHIP TO CONSTRUCTION AND FIVE YEAR CAPITAL PLAN.—The requirement to establish a national cemetery under subsection (a) shall be added to the current list of priority projects, but should not take priority over existing projects listed on the National Cemetery Administration's construction and five-year capital plan for fiscal year 2008.

(f) SOUTHERN COLORADO REGION DEFINED.—In this Act, the term ''southern Colorado region'' means the geographic region consisting of the following Colorado counties:

(1) El Paso.
(2) Pueblo.
(3) Teller.
(4) Fremont.
(5) Las Animas.
(6) Huerfano.
(7) Custer.
(8) Costilla.
(9) Alamosa.
(10) Saguache.
(11) Conejos.
(12) Mineral.
(13) Archuleta.
(14) Hinsdale.
(15) Gunnison.
(16) Pitkin.
(17) La Plata.
(18) Montezuma.
(19) San Juan.
(20) Ouray.
(21) San Miguel.
(22) Dolores.
(23) Montrose.
(24) Delta.
(25) Mesa.
(26) Crowley.
(27) Kiowa.
(28) Bent.
(29) Baca.

SA 5275. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. THEME STUDY FOR COMMEMORATING AND INTERPRETING THE COLD WAR.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the Cold War Advisory Committee established under subsection (c).

(2) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study conducted under subsection (b)(1).

(b) COLD WAR THEME STUDY.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) RESOURCES.—In conducting the theme study, the Secretary of the Interior shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

(i) intercontinental ballistic missiles;

(ii) flight training centers;

(iii) manufacturing facilities;

(iv) communications and command centers (such as Cheyenne Mountain, Colorado);

(v) defensive radar networks (such as the Distant Early Warning Line);

(vi) nuclear weapons test sites (such as the Nevada test site); and

(vii) strategic and tactical aircraft.

(3) CONTENTS.—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(i) sites for which studies for potential inclusion in the National Park System should be authorized;

(ii) sites for which new national historic landmarks should be nominated; and

(iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

(i) State and local governments;

(ii) local historical organizations; and

(iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) CONSULTATION.—In conducting the theme study, the Secretary of the Interior shall consult with—

(A) the Secretary of the Air Force;

(B) State and local officials;

(C) State historic preservation offices; and

(D) other interested organizations and individuals.

(5) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) COLD WAR ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out this section, the Secretary of the Interior shall establish an advisory committee, to be known as the ''Cold War Advisory Committee'', to assist the Secretary of the Interior in carrying out this section.

(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary of the Interior, of whom—

(A) 3 shall have expertise in Cold War history;

(B) 2 shall have expertise in historic preservation;

(C) 1 shall have expertise in the history of the United States; and

(D) 3 shall represent the general public.

(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary of the Interior for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) MEETINGS.—On at least 3 occasions, the Secretary of the Interior (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary of the Interior shall—

(1) prepare and publish an interpretive handbook on the Cold War; and

(2) disseminate information in the theme study by other appropriate means.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000.

SA 5276. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 812 and insert the following:

SEC. 812. CONTINGENCY CONTRACTING CORPS.

(a) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 44. CONTINGENCY CONTRACTING CORPS.

''(a) ESTABLISHMENT.—The Administrator shall establish a government-wide Contingency Contracting Corps (in this section, referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to disasters, natural and manmade, and contingency operations both within and outside the continental United States.

''(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees, including uniformed members of the Armed Services, who are currently members of the Federal acquisition workforce.

''(c) EDUCATION AND TRAINING.—The Administrator may establish additional educational and training requirements, and may pay for these additional requirements from funds available in the acquisition workforce training fund.

''(d) SALARY.—The salaries for members of the Corps shall be paid by their parent agencies out of existing appropriations.

''(e) AUTHORITY TO DEPLOY THE CORPS.—The Administrator, or the Administrator's designee, shall have the authority, upon the request of an executive agency, to determine when civilian agency members of the Corps shall be deployed, in consultation with the head of the agency or agencies employing the members to be deployed. With respect to members of the Corps who are also members of the Armed Forces or civilian personnel of the Department of Defense, the Secretary of Defense, or the Secretary's designee, must concur in the Administrator's deployment determinations.

''(f) ANNUAL REPORT.—

''(1) IN GENERAL.—The Administrator shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

''(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 44. Contingency Contracting Corps.''.

SA 5277. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. COLEMAN, Mr. CARPER, Mr. AKAKA, Mr. TESTER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 240, between lines 6 and 7, insert the following:

Subtitle G—Governmentwide Contracting Provisions

SEC. 861. SHORT TITLE.

This subtitle may be cited as the ''Accountability in Government Contracting Act''.

SEC. 862. DEFINITIONS.

In this subtitle:

(1) Except as otherwise provided, the term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term ''assisted acquisition'' means the type of interagency contracting through which acquisition officials of an agency (the servicing agency) award a contract or task or delivery order for the procurement of goods or services on behalf of another agency (the requesting agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the ''Economy Act''), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Clinger-Cohen Act of 1996 (division E of Public Law 104–106), and the Government Management Reform Act of 1994 (Public Law 103–356; 108 Stat. 3410).

(3) The term ''multi-agency contract'' means a task-order or delivery-order contract established for use by more than one agency to obtain supplies and services, consistent with the Economy Act (31 U.S.C. 1535). The term does not include contracts established and used solely within one executive department or independent establishment, as those terms are specified in section 101 of title 5, United States Code, and defined in section 104(1) of such title, respectively.

SEC. 863. FEDERAL ACQUISITION WORKFORCE.

(a) DESIGNATION OF ACQUISITION WORKFORCE.—

(1) IN GENERAL.—Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by adding at the end the following new subsection:

''(j) ACQUISITION WORKFORCE DESIGNATION.—

''(1) IN GENERAL.—The Federal Acquisition Regulation shall be amended to designate those positions that are acquisition positions in all executive agencies except the Department of Defense. Such positions shall principally perform duties and have responsibilities related to acquisition (as that term is defined in section 4).

''(2) REQUIRED POSITIONS.—The positions designated under paragraph (1) shall include, at a minimum, the following positions:

''(A) Program management.

''(B) Systems planning, research, development, engineering, and testing.

''(C) Procurement, including contracting.

''(D) Industrial property management.

''(E) Logistics.

''(F) Quality control and assurance.

''(G) Manufacturing and production.

''(H) Business, cost estimating, financial management, and auditing.

''(I) Education, training, and career development.

''(J) Construction.

''(K) Joint development and production with other executive agencies and foreign countries.

''(3) MANAGEMENT HEADQUARTERS ACTIVITIES.—The positions designated under paragraph (1) may include positions that are in management headquarters activities and in management headquarters support activities and perform acquisition-related functions.

''(4) OTHER ACQUISITION POSITIONS.—The Federal Acquisition Regulation, as amended under paragraph (1), may provide that the Chief Acquisition Officer or Senior Procurement Executive, as appropriate, of an executive agency may designate as acquisition positions those additional positions that perform significant acquisition-related functions within that agency.

''(5) DATABASE IDENTIFICATION OF ACQUISITION WORKFORCE.—The Director of the Office of Management and Budget, in conjunction with the Director of the Office of Personnel Management, shall add a data element to the appropriate database to allow for the identification and tracking of members of the Federal acquisition workforce.

''(6) APPLICABILITY.—The Department of Defense shall continue to be subject to the guidelines under section 1721 of title 10, United States Code.''.

(2) DEADLINE FOR REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended as described under subsection (j) of section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433), as added by paragraph (1).

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the designation of acquisition positions pursuant to subsection (j) of section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433), as added by paragraph (1).

(b) GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.—

(1) IN GENERAL.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

''SEC. 44. GOVERNMENT-WIDE ACQUISITION INTERN PROGRAM.

''(a) ESTABLISHMENT OF PROGRAM.—The Administrator, in consultation with the Director of the Office of Personnel and Management, shall establish a government-wide Acquisition Intern Program to strengthen the ability of the Federal acquisition workforce to carry out its key missions through the Federal procurement process. The Administrator shall have a goal of involving not less than 200 college graduates per year in the Acquisition Intern Program.

''(b) ADMINISTRATION OF PROGRAMS.—The Associate Administrator for Acquisition Workforce Programs designated under section 855(a) of the National Defense Authorization Act for Fiscal Year 2008 (41 U.S.C. 433a(a)) shall be responsible for the management, oversight, and administration of the Acquisition Intern Program and shall give consideration to integrating existing intern programs.

''(c) TERMS OF ACQUISITION INTERN PROGRAM.—

''(1) BUSINESS-RELATED COURSE WORK REQUIREMENT.—

''(A) IN GENERAL.—Each participant in the Acquisition Intern Program shall have completed 24 credit hours of business-related college course work by not later than 3 years after admission into the program.

''(B) CERTIFICATION CRITERIA.—The Administrator shall establish criteria for certifying the completion of the course work requirement under subparagraph (A).

''(2) STRUCTURE OF PROGRAM.—The Acquisition Intern Program shall consist of one year of preparatory education and training in Federal procurement followed by 3 years of on-the-job training and development focused on Federal procurement but including rotational assignments in other functional areas.

''(3) EMPLOYMENT STATUS OF INTERNS.—Interns participating in the Acquisition Intern Program shall be considered probationary employees without civil service protections under chapter 33 of title 5, United States Code. In administering any personnel ceiling applicable to an executive agency or a unit of an executive agency, an individual assigned as an intern under the program shall not be counted.

''(4) EMPLOYMENT STATUS OF CURRENT FEDERAL EMPLOYEES.—Current Federal employees may participate in the Acquisition Intern Program without losing existing benefits and rights.

''(5) AGENCY MANAGEMENT OF PROGRAM.—The Chief Acquisition Officer or the Senior Procurement Executive of each executive agency, as appropriate, in consultation with the Chief Human Capital Officer of such agency, shall establish a central intern management function in the agency to supervise and manage interns participating in the Acquisition Intern Program.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following new item:

''Sec. 44. Government-wide Acquisition Intern Program.''.

(c) ACQUISITION WORKFORCE DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a

fund to be known as the ''Acquisition Workforce Development Fund'' (in this subsection referred to as the ''Fund'').

(2) USE OF FUNDS.—Amounts in the Fund shall be used for—

(A) the establishment and operations of the Acquisition Intern Program and the Contingency Contracting Corps; and

(B) the costs of administering the Fund, not to exceed 10 percent of the total funds available in the Fund.

(3) DEPOSITS TO FUND.—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

(d) QUALIFICATIONS OF CHIEF ACQUISITION OFFICERS.—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414) is amended by adding at the end the following new paragraph:

''(2) Chief Acquisition Officers shall be appointed from among persons who have an extensive management background.''.

SEC. 864. REQUIREMENT FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require enhanced competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2)(A) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) PUBLIC NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require the head of each executive agency—

(A) to publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold that are placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(B) to publish on the website of the agency and through a government-wide website selected by the Administrator for Federal Procurement Policy the determination required under subsection (b)(1) related to sole source task or delivery orders placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders.

(2) EXCEPTION.—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term ''individual purchase'' means a task order, delivery order, or other purchase.

(2) The term ''multiple award contract'' means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(e) APPLICABILITY.—The regulations required by subsection (a) shall apply to all individual purchases of property or services that are made under multiple award contracts on or after such effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

SEC. 865. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.

(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

''(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

''(i) may not exceed the time necessary—

''(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

''(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

''(ii) may not exceed 270 days unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold.''.

(b) DEFENSE CONTRACTS.—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

''(i) may not exceed the time necessary—

''(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

''(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

''(ii) may not exceed 270 days unless the head of the agency entering into such contract determines that exceptional circumstances apply.

''(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold.''.

SEC. 866. REGULATIONS ON USE OF TIERED EVALUATIONS OF OFFERS FOR CONTRACTS AND TASK OR DELIVERY ORDERS UNDER CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide guidance for executive agencies on the use of tiered evaluations of offers for contracts and for task or delivery orders under contracts.

(b) ELEMENTS.—The regulations prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation of why such contracting officer was unable to make such determination.

(c) APPLICABILITY.—The Department of Defense shall continue to be subject to the guidance prescribed by the Secretary of Defense under section 816 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2305 note).

SEC. 867. GUIDANCE ON USE OF COST-REIMBURSEMENT CONTRACTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall promulgate in the Federal Acquisition Regulation, regulations outlining the proper use of cost-reimbursement contracts.

(b) CONTENT.—The regulations promulgated under subsection (a) shall include at minimum guidance regarding—

(1) when and under what circumstances cost reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost reimbursement contracts.

(c) INSPECTOR GENERAL REVIEW.—The Inspector General for each executive agency shall develop and submit as part of its annual audit plan a review of the use of cost reimbursement contracts.

SEC. 868. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—

Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide executive agencies other than the Department of Defense with instructions, including definitions, on the appropriate use of award and incentive fees in Federal acquisition programs.

(b) ELEMENTS.—The regulations under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be ''excellent'' or ''superior'' and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be ''acceptable'', ''average'', ''expected'', ''good'', or ''satisfactory'';

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

(c) APPLICABILITY.—The Department of Defense shall continue to be subject to guidance on award fees issued by the Department pursuant to section 814 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2321).

SEC. 869. DEFINITIZING OF LETTER CONTRACTS.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to ensure that executive agencies other than the Department of Defense implement and enforce requirements applicable to undefinitized contractual actions.

(b) ELEMENTS.—The regulations prescribed pursuant to subsection (a) shall address, at a minimum—

(1) the circumstances in which it is, and is not, appropriate to use undefinitized contractual actions;

(2) approval requirements (including thresholds) for the use of undefinitized contractual actions;

(3) procedures for ensuring that timelines for the definitization of undefinitized contractual actions are met;

(4) procedures for ensuring compliance with regulatory limitations on the obligation of funds pursuant to undefinitized contractual actions;

(5) procedures for ensuring compliance with regulatory limitations on profit or fees with respect to costs incurred before the definitization of an undefinitized contractual action; and

(6) reporting requirements for undefinitized contractual actions that fail to meet required timelines for definitization or fail to comply with regulatory limitations on the obligation of funds or on profit or fees.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Administrator for Federal Procurement Policy shall submit to Congress an annual report on the use of undefinitized contracts and orders over the preceding fiscal year.

(2) CONTENT.—The annual report under paragraph (1) shall include—

(A) the number and value of undefinitized actions;

(B) the reasons for awarding undefinitized contracts or issuing undefinitized orders;

(C) the average number of days such actions were undefinitized; and

(D) the actions taken to better enable contracts and orders to be definitized when awarded or issued.

(d) APPLICABILITY.—The Department of Defense shall continue to be subject to guidance on definitizing of letter contracts issued by the Department pursuant to section 809 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

SEC. 870. PREVENTING ABUSE OF INTERAGENCY ACQUISITIONS AND ENTERPRISE-WIDE CONTRACTS.

(a) OFFICE OF MANAGEMENT AND BUDGET SURVEY OF INTERAGENCY ACQUISITIONS AND ENTERPRISE-WIDE CONTRACTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a comprehensive survey on interagency acquisitions and enterprise-wide contracts, including their frequency of use and management controls.

(2) CONTENT.—The survey under paragraph (1) shall include the following information:

(A) The name and number of interagency contracts with aggregate ceilings in excess of $50,000,000 (including all options) that are currently in effect or under solicitation, the rationale or authority for establishing such contracts, the scope of such contracts, the servicing agencies, the ceiling amount and the number of contractors under each contract, and activity levels (in terms of primary users and value of orders issued) under each contract for the most recent fiscal year.

(B) The name and authorities of the agencies conducting assisted acquisitions (excluding mandatory sources) and the level of assisted acquisition activity (in terms of primary users and value of obligations created for the most recent fiscal year).

(C) The name and number of enterprise-wide contracts that are currently in effect or under solicitation, the rationale or authority for establishing such contracts, the scope of such contracts, the servicing agencies, the ceiling amount and the number of contractors under each contract, and activity levels (in terms of primary users and value of orders issued) under each contract for the most recent fiscal year.

(3) PUBLICATION.—The Director of the Office of Management and Budget shall make the survey under this subsection publicly available on the website of the Office, subject to the limitations established pursuant to section 552(b) of title 5, United States Code.

(b) REVIEW OF COST-EFFECTIVENESS.—Not later than 180 days after submission of the survey required under subsection (a)(1), the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services and the Secretary of Defense, shall review all contracts identified in the survey and determine whether each contract is cost effective or redundant considering all existing contracts available for multi-agency use. In determining whether a contract is cost effective, the Administrator for Federal Procurement Policy shall consider all direct and indirect costs to the Federal Government of awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its purchasing power. Any determination under this subsection that an enterprise-wide contract of the Department of Defense is not cost effective, or is redundant, shall be made jointly by the Administrator for Federal Procurement Policy and the Secretary of Defense.

(c) OFFICE OF MANAGEMENT AND BUDGET GUIDELINES.—

(1) GUIDELINES ON INTERAGENCY ACQUISITIONS.—Not later than 180 days after submission of the survey required under subsection (a)(1), the Director of the Office of Management and Budget, in consultation with the Administrator of General Services and the Secretary of Defense, shall issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) GUIDELINES ON ENTERPRISE-WIDE CONTRACTS.—Not later than 180 days after submission of the survey required under subsection (a)(1), the Director of the Office of Management and Budget, the Administrator of General Services, and the Secretary of Defense shall jointly issue guidelines to assist the heads of executive agencies in improving the management of enterprise-wide contracts.

(3) CONTENT.—The guidelines under paragraphs (1) and (2) shall include the following information, as applicable:

(A) Procedures for the creation, continuation, and use of interagency acquisitions or enterprise-wide contracts to maximize competition, measure cost effectiveness and savings, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting appropriate for interagency acquisition or enterprise-wide contracts.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions or enterprise-wide contracts.

(d) REGULATIONS.—

(1) REGULATIONS REQUIRED FOR ASSISTED ACQUISITIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all assisted acquisitions include—

(A) a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration of the contract; and

(B) a determination that an assisted acquisition is in the best interests of the Federal Government.

(2) REGULATIONS REQUIRED FOR MULTI-AGENCY AND ENTERPRISE-WIDE CONTRACTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require any new multi-agency or enterprise-wide contract to be supported by a business case analysis justifying the award and detailing the administration of the contract, including an analysis of all direct and indirect costs to the Federal Government of

awarding and administering the contract and the impact the contract will have on the ability of the Federal Government to leverage its purchasing power.

(B) DEPARTMENT OF DEFENSE ENTERPRISE-WIDE CONTRACTS.—In the case of an enterprise-wide contract of the Department of Defense, the Department shall conduct a business case analysis in accordance with regulations implementing the requirements of section 2330 of title 10, United States Code, including a review of the available Multiple Award Schedule pursuant to section 2302(2)(C) of such title and Government-wide acquisition contracts under section 11302(e) of title 40, United States Code, to determine whether such contracts may be used to fulfill the needs of the Department more economically or expeditiously.

(e) REQUIRED APPROVALS.—

(1) APPROVAL REQUIRED FOR CREATION OF MULTI-AGENCY AND ENTERPRISE-WIDE CONTRACTS.—Following the promulgation of the regulations required under subsection (d)(2), no executive agency may award a new multi-agency or enterprise-wide contract without a business case that has been approved in accordance with such regulations.

(2) APPROVAL REQUIRED FOR CONTINUATION OF MULTI-AGENCY AND ENTERPRISE-WIDE CONTRACTS.—No executive agency may exercise an option on an existing multi-agency or enterprise-wide contract identified as non-cost effective or redundant in the review required under subsection (b) without the written approval of the Director of the Office of Management and Budget.

(3) DEPARTMENT OF DEFENSE CONTRACTS.—In the case of the Department of Defense, the approvals required under this subsection shall be the responsibility of the senior officials designated under section 2330 of title 10, United States Code, and the individuals to whom responsibility for specific categories of acquisitions have been assigned in accordance with section 812(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2330 note).

(f) ENTERPRISE-WIDE CONTRACT DEFINED.—In this section, the term ''enterprise-wide contract'' means a single agency task or delivery order contract with an aggregate contract ceiling in excess of $1,000,000,000 that is created to address common agency-wide needs that could be or have been satisfied through an existing Multiple Award Schedule pursuant to section 2302(2)(C) of title 10, United States Code, or Government-wide acquisition contracts under section 11302(e) of title 40, United States Code.

SEC. 871. LEAD SYSTEMS INTEGRATORS.

(a) STUDY.—Not later than one year after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall—

(1) develop a government-wide definition of lead systems integrators, giving consideration to the definition provided in section 802(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2410p note); and

(2) complete a study on the use of such integrators by non-defense agencies.

(b) GUIDANCE.—Not later than 180 days after the study under subsection (a)(2) is completed, the Administrator for Federal Procurement Policy shall issue guidance for non-defense agencies on the appropriate use of lead system integrators to ensure that they are used in the best interests of the Federal Government.

SEC. 872. LIMITATIONS ON TIERING OF SUBCONTRACTORS.

(a) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended, for executive agencies other than the Department of Defense, to minimize the excessive use by contractors of subcontractors or tiers of subcontractors. The regulations shall ensure that the contractors and subcontractors do not receive indirect costs or profit when the contractors or subcontractors do not perform significant work under the contract.

(b) COVERED CONTRACTS.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of the Department of Defense to implement more restrictive limitations on the tiering of subcontractors.

(d) APPLICABILITY.—The Department of Defense shall continue to be subject to guidance on limitations on tiering of subcontractors issued by the Department pursuant to section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2321).

SEC. 873. ENSURING THAT FEDERAL AGENCIES APPROPRIATELY ASSESS THE RISK OF CONTRACTORS PERFORMING FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) REVIEW OF POLICIES.—

(1) IN GENERAL.—The Administrator for Federal Procurement Policy shall review the policies established by and pursuant to Part 7 of the Federal Acquisition Regulation to determine whether such policies—

(A) are effective in identifying and preventing the award of contracts for work that is an inherently governmental function;

(B) identify specific issues that should be addressed in agency acquisition plans when contracting for services that are closely associated with inherently governmental functions;

(C) require executive agency personnel to formally assess and document the risk associated with the use of contractors to perform such functions, the actions taken to mitigate any identified risks, and the effectiveness of the mitigating actions; and

(D) are consistently and appropriately reflected in policies established by each executive agency.

(2) SCOPE.—The review under paragraph (1) shall apply only to those executive agencies that awarded contracts and issued orders in a total amount of at least $1,000,000,000 in the latest fiscal year for which data is available.

(b) REPORTS REQUIRED.—

(1) REPORT ON REVIEW OF POLICIES.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives a report on the results of the review conducted pursuant to subsection (a).

(2) RECOMMENDATIONS.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives a report with any recommendations of the Administrator for changes in policies based on the review conducted pursuant to subsection (a).

SEC. 874. IMPROVEMENTS TO THE FEDERAL PROCUREMENT DATA SYSTEM.

(a) ENHANCED TRANSPARENCY FOR INTERAGENCY CONTRACTING AND OTHER TRANSACTIONS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the Federal Procurement Data System or any successor system to facilitate the collection of complete, timely, and reliable data on interagency contracting actions and on transactions other than contracts, grants, and cooperative agreements issued pursuant to section 2371 of title 10, United States Code or similar authorities. The Director shall ensure that data, consistent with what is collected for contract actions, is obtained on—

(1) interagency contracting actions, including data at the task or delivery-order level; and

(2) other transactions, including the initial award and any subsequent modifications awarded or orders issued.

(b) TIMELY AND ACCURATE TRANSMISSION OF INFORMATION INCLUDED IN FEDERAL PROCUREMENT DATA SYSTEM.—Section 19(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

''(d) TRANSMISSION AND DATA ENTRY OF INFORMATION.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall timely transmit such information to the General Services Administration for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.''.

SEC. 875. USE OF AVAILABLE FUNDS FOR REGULATIONS AND REPORTS.

The promulgation of regulations and the production of reports required by this subtitle shall be carried out using available funds.

SEC. 876. ONE-YEAR EXTENSION OF AUTHORITY.

Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391(a)) is amended—

(1) in subsection (a)—

(A) by striking ''Until September 30, 2008, the Secretary may carry out a pilot program'' and inserting ''If the Secretary issues policy guidance by September 30, 2008, detailing the appropriate use of other transaction authority and provides mandatory other transaction training to each employee who has the authority to handle procurements under other transaction authority, the Secretary may, before September 30, 2009, carry out a program''; and

(B) in paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (b)(1)'';

(2) in subsection (b)—

(A) by striking ''(b) REPORT.—Not later than 2 years'' and inserting ''(b) REPORTS.—

''(1) IN GENERAL.—Not later than 2 years'';

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and realigning such subparagraphs, as so redesignated, so as to be indented 4 ems from the left margin; and

(C) by adding at the end the following new paragraph:

''(2) ANNUAL REPORT ON EXERCISE OF OTHER TRANSACTION AUTHORITY.—

''(A) IN GENERAL.—The Secretary shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives an annual report on the exercise of other transaction authority under subsection (a).

''(B) CONTENT.—The report required under subparagraph (A) shall include the following:

''(i) The technology areas in which research projects were conducted under other transactions.

''(ii) The extent of the cost-sharing among Federal and non-Federal sources.

''(iii) The extent to which use of the other transactions—

''(I) has contributed to a broadening of the technology and industrial base available for meeting the needs of the Department of Homeland Security; and

''(II) has fostered within the technology and industrial base new relationships and practices that support the national security of the United States.

''(iv) The total amount of payments, if any, that were received by the Federal Government during the fiscal year covered by the report.

''(v) The rationale for using other transaction authority, including why grants or Federal Acquisition Regulation-based contracts were not used, the extent of competition, and the amount expended for each such project.''.

SA 5278. Mr. WYDEN (for himself and Mr. COLEMAN, Mr. GRASSLEY, Mr. HARKIN, Ms. KLOBUCHAR, Mr. MENENDEZ, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned shall provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits specified in this subsection are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.—The number of days of benefits providable to a member or former member of the Armed Forces under this section may not exceed 40 days of benefits.

(e) FORM OF PAYMENT.—The paid benefits providable under subsection (b) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SA 5279. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1222. EXTENSION OF MANDATE OF MULTI-NATIONAL FORCE IN IRAQ AFTER EXPIRATION OF ITS CURRENT UNITED NATIONS MANDATE.

(a) EXTENSION OF MANDATE.—

(1) IN GENERAL.—The President shall direct the United States Special Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek an extension of the mandate of the Multi-National Force in Iraq under United National Security Council Resolution 1790 (2007) in order to provide United States and Coalition forces within the Multi-National Force in Iraq with the authorities, privileges, and immunities necessary for such forces to carry out their mission in Iraq after December 31, 2008.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the extension under paragraph (1) should expire upon the earlier of—

(A) a period of one year; or

(B) the entry into force of a strategic framework agreement between the United States and Iraq as mutually agreed upon by the Government of the United States and the Government of Iraq.

(b) LIMITATION ON AVAILABILITY OF FUNDS.—No funds authorized to be appropriated by this Act or any other Act may be obligated or expended to implement an agreement containing a security commitment to, or security arrangement with, the Republic of Iraq, unless such commitment or agreement enters into force pursuant to Article II, section 2, clause 2 of the Constitution of the United States or is authorized by a law enacted on or after the date of the enactment of this Act pursuant to Article 1, section 7, clause 2 of the Constitution of the United States.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a report on the status of the negotiations on the extension of the mandate of the Multi-National Force in Iraq as described in subsection (a).

SA 5280. Mr. VITTER (for himself, Mr. INHOFE, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. 237. ADDITIONAL FUNDING FOR THE MISSILE DEFENSE AGENCY FOR NEAR-TERM MISSILE DEFENSE PROGRAMS AND ACTIVITIES.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104(1) for Defense-wide procurement is hereby increased by $100,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 104(1) for Defense-wide procurement, as increased by paragraph (1), up to $100,000,000 may be available for the Missile Defense Agency for the Terminal High Altitude Area Defense (THAAD) system for the purpose of advanced procurement of interceptor and ground components for Fire Unit #3 and Fire Unit #4, including component AN/TPY–2.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose set forth in that paragraph is in addition to any other amounts available in this Act for such purpose.

(b) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $171,000,000.

(2) AVAILABILITY.—Notwithstanding section 1002, of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, as increased by paragraph (1), amounts are available to the Missile Defense Agency as follows:

(A) Up to $87,000,000 for Ground Based Midcourse Defense for purposes as follows:

(i) To implement a rolling target spare.

(ii) To maintain inventory for additional short-notice test events.

(B) Up to $54,000,000 for the purpose of equipping two Aegis Class cruisers of the Navy with Ballistic Missile Defense Systems (BMDSs).

(C) Up to $30,000,000 for the purpose of reducing the technical risk of the Throttleable Direct and Attitude Control System (TDACS) for the SM–3 Block 1B missile in

order to meet the needs of the commanders of the combatant commands as specified in the Joint Capabilities Mix Study.

(3) SUPPLEMENT NOT SUPPLANT.—Amount available under each of subparagraphs (A) through (C) of paragraph (2) for the purposes set forth in such paragraph are in addition to any other amounts available in this Act for such purposes.

(c) OFFSET.—The amount authorized to be appropriated by this division (other than the amount authorized to be appropriated for Defense-wide procurement, and for research, development, test, and evaluation, Defense-wide, for the Missile Defense Agency) is hereby reduced by $271,000,000, with the amount the reduction to be allocated among the accounts for which funds are authorized to be appropriated by this division in the manner specified by the Secretary of Defense.

SA 5281. Mr. NELSON of Nebraska (for himself, Mr. SMITH, Mr. SESSIONS, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 702. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE, AND FAMILY MEMBERS, WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

"§ 1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

''(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE STANDARD COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE Standard coverage at age 60 under section 1086 of this title.

''(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under the section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

''(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

''(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all covered members of the reserve components covered under this section.

''(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

''(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

''(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

''(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'immediate family', with respect to a member of a reserve component, means all of the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

''(2) The term 'TRICARE Standard' means—

''(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

''(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1076d the following new item:

''1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.''.

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

SA 5282. Mr. NELSON of Nebraska (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. PAYMENTS TO INDIVIDUALS WHO SERVED DURING WORLD WAR II IN THE UNITED STATES MERCHANT MARINE.

(a) ESTABLISHMENT OF COMPENSATION FUND.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 532. Merchant Mariner Equity Compensation Fund

''(a) COMPENSATION FUND.—(1) There is in the general fund of the Treasury a fund to be known as the 'Merchant Mariner Equity Compensation Fund' (in this section referred to as the 'compensation fund').

''(2) Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary without fiscal year limitation to make payments to eligible individuals in accordance with this section.

''(b) ELIGIBLE INDIVIDUALS.—(1) An eligible individual is an individual who—

''(A) before October 1, 2009, submits to the Secretary an application containing such information and assurances as the Secretary may require;

''(B) has not received benefits under the Servicemen's Readjustment Act of 1944 (Public Law 78–346); and

''(C) has engaged in qualified service.

''(2) For purposes of paragraph (1), a person has engaged in qualified service if, between December 7, 1941, and December 31, 1946, the person—

''(A) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

''(i) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

''(ii) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

''(iii) under contract or charter to, or property of, the Government of the United States; and

''(iv) serving the Armed Forces; and

''(B) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

''(c) AMOUNT OF PAYMENTS.—The Secretary shall make a monthly payment out of the compensation fund in the amount of $1,000 to an eligible individual. The Secretary shall make such payments to eligible individuals in the order in which the Secretary receives the applications of the eligible individuals.

''(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the compensation fund amounts as follows:

''(A) For fiscal year 2009, $120,000,000.

''(B) For fiscal year 2010, $108,000,000.

''(C) For fiscal year 2011, $97,000,000.

''(D) For fiscal year 2012, $85,000,000.

''(E) For fiscal year 2013, $75,000,000.

''(2) Funds appropriated to carry out this section shall remain available until expended.

''(e) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible individuals receiving benefits, the amounts paid out of the compensation fund, the administration of the compensation fund, and an estimate of the amounts necessary to fully fund the compensation fund for that fiscal year and each of the three subsequent fiscal years.

''(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.''.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the regulations required under section 532(f) of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item related to section 531 the following new item:

''532. Merchant Mariner Equity Compensation Fund.''.

SA 5283. Mr. NELSON of Nebraska (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. ENHANCEMENT OF PAY, LEAVE, AND BENEFITS FOR MEMBERS OF THE ARMED FORCES FOR CERTAIN DEPLOYMENTS AND MOBILIZATIONS. .

(a) CAREER DEPLOYMENT PAY FOR CERTAIN SERVICE IN QUALIFYING AREAS OR UNDER QUALIFYING CIRCUMSTANCES.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 305b the following new section:

''§ 305c. Special pay: career deployment pay for certain service in qualifying areas or under qualifying circumstances

''(a) SPECIAL PAY AUTHORIZED.—The Secretary of a military department may pay special pay under this section to a member of the armed forces under the jurisdiction of the Secretary who serves a qualifying minimum period in a qualifying area or under qualifying circumstances in order to compensate such member for such time served in deployment to such area or under such circumstances.

''(b) QUALIFYING AREAS AND CIRCUMSTANCES; QUALIFYING MINIMUM PERIODS OF SERVICE.—Each Secretary of a military department shall prescribe in regulations for purposes of this section the following:

''(1) The areas or circumstances that shall constitute qualifying areas or qualifying circumstances of service for purposes of the payment of special pay under this section.

''(2) For each area or circumstance specified under paragraph (1), the minimum period of service to be served by a member in such area or circumstance before the member may be treated as qualifying for the payment of special pay under this section.

''(c) TREATMENT OF TIME OF RECOVERY FROM CERTAIN WOUNDS OR INJURIES.—(1) Subject to paragraph (2), any period spent by a member recovering from a wound, injury, or illness incurred in line of duty while serving in a qualifying area or qualifying circumstance for purposes of this section shall be treated as having been served by member in such area or circumstances for purposes of the payment of special pay under this section.

''(2) A period spent by a member as described in paragraph (1) may be treated as provided in that paragraph only to the extent such period is also spent by the member's unit in service in the qualifying area or qualifying circumstances concerned.

''(d) MONTHLY RATE.—The monthly rate of special pay payable under this section may not exceed $1,500.

''(e) PAYMENT.—Special pay payable to a member under this section shall be paid under a schedule established in accordance with such specifications as the Secretary of the military department concerned shall prescribe for purposes of this section.

''(f) REGULATIONS.—Any regulations prescribed under this section shall be subject to the approval of the Secretary of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 305b the following new item:

''305c. Special pay: career deployment pay for certain service in qualifying areas or under qualifying circumstances.''.

(b) REST AND RECUPERATION ABSENCE FOR MEMBERS OF THE ARMED FORCES SERVING IN A COMBAT ZONE.—

(1) IN GENERAL.—Section 705 of title 10, United States Code, is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Under regulations prescribed by the Secretary concerned, a member of the armed forces who serves at least six consecutive months in a combat zone (as determined in accordance with such regulations) during a tour of duty may be authorized a period of rest and recuperation absence for not more than 15 days with respect to such tour of duty.

''(2) Except as provided in section 705a of this title, a period of rest and recuperation absence authorized a member under paragraph (1) is in addition to any other leave or absence to which the member may be entitled under law.''.

(2) CONFORMING AMENDMENT.—The heading of section 705 of such title is amended to read as follows:

''§ 705. Rest and recuperation absence: qualified members extending duty at designated locations overseas; members serving extended tours of duty in a combat zone''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by striking the item relating to section 705 and inserting the following new item:

''705. Rest and recuperation absence: qualified members extending duty at designated locations overseas; members serving extended tours of duty in a combat zone.''.

(c) POST-DEPLOYMENT ADMINISTRATIVE ABSENCE FOR MEMBERS OF THE RESERVE COMPONENTS FOLLOWING DUTY UNDER INVOLUNTARY MOBILIZATION.—

(1) IN GENERAL.—Chapter 40 of title 10, United States Code, is amended by inserting after section 705 the following new section:

''§ 705a. Administrative absence: post-deployment absence for certain members of the reserve components of the armed forces following demobilization from involuntary mobilization

''(a) ADMINISTRATIVE ABSENCE AUTHORIZED.—Under regulations prescribed by the Secretary concerned, a member of the armed forces described in subsection (b) may be authorized administrative absence for not more than seven days in connection with service on active duty in the armed forces described in that subsection.

''(b) COVERED MEMBERS.—A member described in this section is a member of a reserve component of the armed forces who—

''(1) serves on active duty in the armed forces for at least 12 months pursuant to a call or order to active duty without the consent of the member; and

''(2) either—

''(A) is not authorized rest and recuperation absence in connection with such service on active duty under section 705(c) of this title; or

''(B) does not utilize any rest and recuperation absence so authorized the member under such section.

''(c) USE OF ABSENCE.—Any administrative absence authorized a member under subsection (a) in connection with service on active duty shall be utilized by the member before the member ceases such service on active duty.

''(d) CONSTRUCTION WITH OTHER LEAVE OR ABSENCE.—Except as provided in section 705(c) of this title, a period of absence authorized a member under subsection (a) is in addition to any other leave or absence to which the member may be entitled under law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 705, as amended by subsection (b)(3) of this section, the following new item:

''705a. Administrative absence: post-deployment absence for certain members of the reserve components of the armed forces following demobilization from involuntary mobilization.''.

(d) BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in paragraph (2) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(2) BENEFITS.—The benefits specified in this paragraph are the following:

(A) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this subsection, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in paragraph (1) during the period specified in that paragraph.

(B) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this subsection, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in paragraph (1) during the period specified in that paragraph.

(3) LIMITATION ON APPLICABILITY TO FORMER MEMBERS.—A former member of the Armed Forces is eligible under this subsection for the benefits specified in paragraph (2)(A) only if the former member was discharged or released from the Armed Forces under honorable conditions or with a general discharge under honorable conditions.

(4) MAXIMUM NUMBER OF DAYS OF BENEFITS PROVIDABLE.—The number of days of benefits providable to a member or former member of

the Armed Forces under this subsection may not exceed 40 days of benefits.

(5) FORM OF PAYMENT.—The paid benefits provided under paragraph (2) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(6) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this subsection are in addition to any other pay, absence, or leave provided by law.

(7) DEFINITIONS.—In this subsection:

(A) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(B) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(e) REPEAL OF HIGH DEPLOYMENT ALLOWANCE AUTHORITIES.—

(1) REPEAL.—Section 436 of title 37, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 436.

SA 5284. Mr. BAYH (for himself, Mr. SESSIONS, Mr. KENNEDY, Mrs. CLINTON, Mr. LIEBERMAN, Mr. OBAMA, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 652. NO ACCRUAL OF INTEREST FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

(a) AMENDMENT.—Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended by adding at the end the following:

''(n) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, and except as provided in paragraph (3), interest shall not accrue for an eligible borrower on a loan made under this part.

''(2) ELIGIBLE BORROWER.—In this subsection, the term 'eligible borrower' means an individual who—

''(A)(i) is serving on active duty during a war or other military operation or national emergency; or

''(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; and

''(B) is serving in an area of hostilities in which service qualifies for special pay under section 310 of title 37, United States Code.

''(3) LIMITATION.—An individual who qualifies as an eligible borrower under this subsection may receive the benefit of this subsection for not more than 60 months.''.

(b) CONSOLIDATION LOANS.—Section 428C(b)(5) of that Act (20 U.S.C. 1078–3(b)(5)) is amended by inserting after the first sentence the following: ''In addition, in the event that a borrower chooses to obtain a consolidation loan for the purposes of using the no accrual of interest for active duty servicemembers program offered under section 455(n), the Secretary shall offer a Federal Direct Consolidation Loan to any such borrower who applies for participation in such program.''.

SA 5285. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 722. INSTITUTE OF MEDICINE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.

(a) STUDY REQUIRED.—There shall be set-aside from amounts appropriated under section 1403, $1,000,000 for fiscal year 2009 to enable the Secretary of Defense shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the purpose of conducting a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on factors contributing to the misadministration of medications, including accidental and intentional overdoses, under and over medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that increase the risk of misadministration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the military, other government agencies, and civilian sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risk of medication misadministration and associated problems with respect to physically and psychologically&fnl; wounded members of the Armed Forces.

(c) REPORT.—Not later than 18 months after entering into the agreement for the study required under subsection (a), the Institute of Medicine shall submit to the Secretary of Defense, and to Congress, a report on the study containing such findings and determinations as the Institute of Medicine considers appropriate in light of the study.

SEC. 723. INCREASING THE NUMBER OF PSYCHOLOGIST INTERNSHIPS.

There shall be set-aside from amounts appropriated under section 1403, $1,775,000 for fiscal year 2009, and $3,100,000 for fiscal year 2010, to remain available until expended, to enable the Office of the Surgeon General to increase by 30 the number of civilian psychologist internships provided for by the Office.

SEC. 724. TRAUMATIC BRAIN INJURY SURVEY.

There shall be set-aside from amounts appropriated under section 1403, $1,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to enter into a contract with the Center for Military Health Policy Research, RAND, for the conduct of a follow-up survey of the 1,950 servicemember and veteran participants of the Invisible Wounds of War study to determine if there is any long-term impairment from traumatic brain injuries, to identify the factors that inhibit access to treatment, including cognitive rehabilitation for mental health disorders, and to assess conditions leading to unemployment and substance use. The analysis of the survey results shall identify priority research needs and gaps in the health care system for individuals with traumatic brain injuries and post traumatic stress disorders. The survey under this section shall be completed not later than 1 year after the date of enactment of this Act.

SEC. 725. COGNITIVE REHABILITATION STUDY.

(a) IN GENERAL.—There shall be set-aside from amounts appropriated under section 1403, $10,000,000 for fiscal year 2009 to enable the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, the Director of the National Institutes of Health, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the Agency for Healthcare Research and Quality, to conduct a long-term (10-year), integrated study of at least 10,000 participants (including injured servicemembers, smaller at-risk populations, and those individuals separated from service but not seeking Veterans Administration services) concerning cognitive rehabilitation research.

(b) REQUIREMENTS.—The cognitive rehabilitation research study conducted under subsection (a) shall—

(1) be designed to contribute to the establishment of evidence-based practice guidelines in the area of cognitive rehabilitation including predictors of relapse and recovery;

(2) evaluate how use of health care services affects symptoms, functioning, and outcomes over time;

(3) evaluate how traumatic health injuries and mental health conditions affect physical health, economic productivity, and social functioning;

(4) evaluate how long-term impairments may be reduced based on different rehabilitation options;

(5) be designed to result in the implementation of strategies for accessing quality mental health treatment care, including cognitive rehabilitation;

(6) assess current research activity on post traumatic stress disorder and traumatic brain injury, evaluate programs, and make recommendations for strategic research priority setting; and

(7) be coordinated with the study conducted under section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

(c) REPORTS.—

(1) BASELINE REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a baseline report on the results of the study conducted under subsection (a).

(2) PRELIMINARY REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a preliminary report on the results of the study conducted under subsection (a).

(3) FINAL REPORT.—Not later than 10 years after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a final report on the results of the study conducted under subsection (a).

SA 5286. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 338, between lines 12 and 13, insert the following:

(e) ACCOUNTABILITY FOR EQUIPMENT PROVIDED UNDER PROGRAM.—

(1) IN GENERAL.—Such section, as so amended, is further amended—

(A) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively;

(B) by inserting after subsection (c) the following new subsection (d):

''(d) ACCOUNTABILITY FOR EQUIPMENT PROVIDED.—

''(1) IN GENERAL.—The Secretary of Defense and the Secretary of State shall jointly establish procedures and guidelines for accountability for any equipment provided to a foreign country's national military forces under the program under subsection (a).

''(2) ELEMENTS.—The procedures and guidelines established under paragraph (1) shall—

''(A) ensure that any foreign military forces provided equipment under the program are informed of best practices in physical security and stockpile management with respect to such equipment;

''(B) ensure that an appropriate representative of the United States (whether from the combatant command having jurisdiction of the area in which the foreign country concerned is located or from the United States mission to such foreign country) is present when any equipment provided under the program is physically received by foreign military forces;

''(C) ensure that any foreign military forces provided equipment under the program submit to the Department of Defense on an annual basis a report on the current location of such equipment and on the uses, if any, of such equipment during the preceding year; and

''(D) provide for the retention and maintenance by the Department of Defense of any reports submitted pursuant to subparagraph (C) and of any other records or reports on equipment provided under the program.

''(3) GUIDANCE ON COMPLIANCE.—The Secretary of Defense and the Secretary of State shall take appropriate actions to provide guidance to the personnel of the Department of Defense and personnel of the Department of State who carry out activities under the program on the procedures and guidelines established under paragraph (1), including any procedures and guidelines established to meet the requirements of paragraph (2).''; and

(C) in subsection (g), as redesignated by paragraph (1) of this subsection, by striking ''subsection (e)(3)'' and inserting ''subsection (f)(3)''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect six months after the date of the enactment of this Act.

SA 5287. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ISSUANCE OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY TO MEMBERS OF THE ARMED FORCES WHO SERVE ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION FOR LESS THAN 90 DAYS.

(a) ISSUANCE REQUIRED.—Each Secretary of a military department shall modify applicable regulations to provide for the issuance of a Certificate of Release or Discharge from Active Duty (DD Form 214) to each member of the Armed Forces (including a member of the National Guard or Reserve) under the jurisdiction of such Secretary who serves on active duty in the Armed Forces in support of a contingency operation upon the separation of the member from such service, regardless of whether the period of such service is less than 90 days. The regulations shall be so modified not later than 180 days after the date of the enactment of this Act.

(b) CONTINGENCY OPERATION DEFINED.—In this section, the term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

SA 5288. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a current electronic mail address (if any) and a current telephone number as information required of a member of the Armed Forces by the form.

SA 5289. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXIX, add the following:

SEC. 2914. LIMITATION ON MILITARY CONSTRUCTION PROJECTS IN IRAQ PENDING CERTIFICATION OF SATISFACTION OF CERTAIN REQUIREMENTS.

(a) NOTICE AND WAIT.—A military construction project described in subsection (b) may not be commenced until the date that is 21 days after the date on which the Secretary of Defense submits to the congressional defense committees the certifications on the project described in subsection (c).

(b) COVERED MILITARY CONSTRUCTION PROJECTS.—A military construction project described in this subsection is any military construction project as follows:

(1) A military construction project authorized by section 2901(b).

(2) A military construction project in Iraq that is first authorized by an Act enacted after the date of the enactment of this Act or for which funds are first appropriated in an Act enacted after the date of the enactment of this Act.

(c) CERTIFICATIONS.—

(1) IN GENERAL.—The certifications on a military construction project for purposes of subsection (a) shall include each of the following:

(A) A certification that the project is not intended to provide for the permanent stationing of United States forces in Iraq.

(B) A certification that the project is required to satisfy an urgent temporary requirement in support of current United States military operations.

(C) A certification that the project is for the use of United States forces in Iraq.

(D) A certification that no reasonable alternative facility or installation will satisfy the requirements to be satisfied by the project.

(E) A certification that a written request for funding the project was submitted to Iraq, and that the Government of Iraq has considered the request.

(2) CORRESPONDENCE.—If the Government of Iraq has submitted to the United States a written response to a request for the funding of a military construction project described by subsection (b) at the time of the submittal of the certifications on the project under subsection (a), the certification on the project under paragraph (1)(E) shall also include copies of the request and response.

SA 5290. Mr. REID proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the bill insert the following:

The provision of this bill shall become effective in 5 days upon enactment.

SA 5291. Mr. REID proposed an amendment SA 5290 proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment strike ''5'' and insert ''4''.

SA 5292. Mr. REID proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

This section shall become effective 3 days after enactment.

SA 5293. Mr. REID proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment, strike ''3'' and insert ''2''.

SA 5294. Mr. REID proposed an amendment SA 5293 proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

In the amendment strike ''2'' and insert ''1''.

SA 5295. Mr. KYL (for himself, Mr. VITTER, and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

SEC. ___. ACTIVATION AND DEPLOYMENT OF AN/TYP–2 FORWARD-BASED X-BAND RADAR.

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, and available for Ballistic Missile Defense Sensors, up to $89,000,000 may be available for the activation and deployment of the AN/TPY–2 forward-based X-band radar to a classified location.

SA 5296. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 458, between lines 12 and 13, insert the following:

SEC. 2842. EXPANSION OF PINON CANYON MANEUVER SITE, COLORADO.

None of the funds appropriated or otherwise made available for the acquisition of land to expand the Pinon Canyon Maneuver Site, Colorado, may be obligated or expended for the acquisition through the exercise of eminent domain authority of any real property owned by any landowner who has not requested condemnation, including the filing of a declaration of taking or a complaint in condemnation.

SA 5297. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. ENHANCEMENT OF EDUCATIONAL ASSISTANCE AVAILABLE UNDER POST-9/11 VETERANS EDUCATIONAL ASSISTANCE.

(a) MAXIMUM TUITION AND FEES TO BE DETERMINED USING MAXIMUM IN-STATE TUITION AND FEES CHARGED BY PUBLIC INSTITUTIONS THROUGHOUT THE UNITED STATES.—Subparagraph (A) of section 3313(c)(1) of title 38, United States Code (as added by section 5003 of the Post-9/11 Veterans Educational Assistance Act of 2008 (title V of Public Law 110–252)), is amended by striking ''in the State'' and all that follows and inserting ''in the United States that charges the highest amount for tuition and fees for in-State undergraduate students for full-time pursuit of such programs of education.''.

(b) AVAILABILITY OF MONTHLY HOUSING STIPEND FOR PURSUIT OF PROGRAM OF EDUCATION THROUGH DISTANCE LEARNING.—Subparagraph (B)(i) of such section (as so added) is amended by striking ''the program of education'' and all that follows and inserting ''the program of education—

''(I) a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled; or

''(II) in the case of an individual pursuing a program of education through distance learning, a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing so payable for such a member residing in the military housing area in which the individual resides.''.

SA 5298. Mr. ALLARD (for himself, Mr. COBURN, Mr. VITTER, Mr. CORNYN, Mr. CRAIG, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. ENHANCEMENT AND IMPROVEMENT OF PROCEDURES RELATING TO OVERSEAS VOTING BY MEMBERS OF THE UNIFORMED SERVICES.

(a) ENHANCEMENT AND IMPROVEMENT OF CERTAIN PROCEDURES.—

(1) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)) is amended—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application, absentee ballot application, and completed ballot that is submitted by an absent uniformed services voter described by section 107(1)(A) without any requirement for notarization of such document;''; and

(C) in paragraph (5), as redesignated by paragraph (1) of this subsection, by inserting before the semicolon the following: ''and permit the submittal of the official post card form by electronic means (including by fax transmission and electronic mail transmission)''.

(2) CONFORMING AMENDMENT.—Section 104(a) of such Act (42 U.S.C. 1973ff–3(a)) is amended by striking ''section 102(a)(4)'' and inserting ''section 102(a)(5)''.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) to encourage the States to permit members of the Armed Forces to apply for, receive, and submit absentee ballots for election for Federal office by electronic means; and

(2) to encourage the Department of Defense to implement and maintain programs that permit the secure submittal by members of the Armed Forces of absentee ballots for election for Federal office by electronic means.

SA 5299. Mr. CASEY (for himself and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COUNTERTERRORISM STATUS REPORTS.

(a) SHORT TITLE.—This section may be cited as the ''Success in Countering Al Qaeda Reporting Requirements Act of 2008''.

(b) FINDINGS.—Congress makes the following findings:

(1) Al Qaeda and its related affiliates attacked the United States on September 11, 2001 in New York, New York, Arlington, Virginia, and Shanksville, Pennsylvania, murdering almost 3000 innocent civilians.

(2) Osama bin Laden and his deputy Ayman al-Zawahiri remain at large.

(3) Al Qaeda and its related affiliates maintain freedom of movement in the Afghan-Pakistani border region and continue to strengthen their operational capabilities to plot and carry out attacks.

(4) Nearly 7 years after the attacks on September 11, 2001, Al Qaeda and its related affiliates remain the most serious national security threat to the United States, with alarming signs that Al Qaeda and its related affiliates recently reconstituted their strength and ability to generate new attacks throughout the world, including against the United States.

(5) The July 2007 National Intelligence Estimate states, ''Al Qaeda is and will remain the most serious terrorist threat to the Homeland''.

(6) In testimony to the Permanent Select Committee on Intelligence of the House of Representatives on February 7, 2008, Director of National Intelligence Michael McConnell stated, ''Al-Qa'ida and its terrorist affiliates continue to pose significant threats to the United States at home and abroad, and al-Qa'ida's central leadership based in the border area of Pakistan is its most dangerous component.''.

(7) The Intelligence Reform and Terrorist Prevention Act of 2004, which implemented the recommendations of the 9/11 Commission, and a subsequent executive order, assigned to the National Counterterrorist Center (NCTC) the responsibility to develop comprehensive, integrated strategic operations plans for all of the Federal Government and to assess the execution of these plans for the President. This vital aspect of the NCTC's mission is not sufficiently resourced or supported by the executive branch or Congress, resulting in a lack of coherent and effective planning and implementation in the struggle against terrorism.

(8) The ''National Strategy for Combating Terrorism'', issued in September 2006, affirmed that long-term efforts are needed to win the battle of ideas against the root causes of the violent extremist ideology that sustains Al Qaeda and its affiliates. The United States has obligated resources to support democratic reforms and human development to undercut support for violent extremism, including in the Federally Administered Tribal Areas in Pakistan and the Sahel region of Africa. However, 2 reports released by the Government Accountability Office in 2008 found that ''no comprehensive plan for meeting U.S. national security goals in the FATA have been developed,'' and ''no comprehensive integrated strategy has been developed to guide the [Sahel] program's implementation''.

(9) Such efforts to combat violent extremism and radicalism must be undertaken using all elements of national power, including military tools, intelligence assets, law enforcement resources, diplomacy, paramilitary activities, financial measures, development assistance, strategic communications, and public diplomacy.

(10) There remains a paucity of information on current counterterrorism efforts undertaken by the Federal Government and the level of success achieved by specific initiatives.

(11) Congress and the American people can benefit from more specific data and metrics that can provide the basis for objective external assessments of the progress being made in the overall war being waged against violent extremism.

(12) In its key recommendations to the 110th Congress, the Government Accountability Office urged greater congressional oversight in assessing the effectiveness and coordination of United States international programs focused on combating and preventing the growth of terrorism and its underlying causes.

(13) The Secretary of State is required by law to submit annual reports to Congress that detail key developments on terrorism on a country-by-country basis. These Country Reports on Terrorism provide information on acts of terrorism in countries, major developments in bilateral and multilateral counterterrorism cooperation, and the extent of state support for terrorist groups responsible for the death, kidnaping, or injury of Americans, but do not assess the scope and efficacy of United States counterterrorism efforts against Al Qaeda and its related affiliates.

(14) The Executive Branch submits regular reports to Congress that detail the status of United States combat operations in Iraq and Afghanistan, including a breakdown of budgetary allocations, key milestones achieved, and measures of political, economic, and military progress.

(15) The Department of Defense compiles a report of the monthly and cumulative incremental obligations incurred to support the Global War on Terrorism in a monthly Supplemental and Cost of War Execution Report.

(16) In March 2008, the Government Accountability Office reported to Congress that it found the data in these reports to be of ''questionable reliability'' and recommended improvements in transparency and reliability in Department of Defense reporting.

(17) The absence of a comparable timely assessment of the ongoing status and progress of United States counterterrorism efforts against Al Qaeda and its related affiliates in the overall Global War on Terrorism hampers the ability of Congress and the American people to independently determine whether the United States is making significant progress in this defining struggle of our time.

(18) The Executive Branch should submit a comprehensive report to Congress, updated on a semiannual basis, which provides a more strategic perspective regarding—

(A) the United States' highest global counterterrorism priorities;

(B) the United States' efforts to combat and defeat Al Qaeda and its related affiliates;

(C) the United States' efforts to undercut long-term support for the violent extremism that sustains Al Qaeda and its related affiliates;

(D) the progress made by the United States as a result of such efforts;

(E) the efficacy and efficiency of the United States resource allocations; and

(F) whether the existing activities and operations of the United States are actually diminishing the national security threat posed by Al Qaeda and its related affiliates.

(c) SEMIANNUAL COUNTERTERRORISM STATUS REPORTS.—

(1) IN GENERAL.—Not later than July 31, 2009, and every 6 months thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 6-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the NCTC and the goals established in overarching public statements of strategy issued by the executive branch;

(D) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(E) the specific status and achievements of United States counterterrorism efforts, through military, financial, political, intelligence, and paramilitary elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(F) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(G) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(H) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

(i) the source of such funds; and

(ii) the allocation and use of such funds;

(I) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(J) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(K) a concise summary of the methods used by NCTC and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) COUNTRY SELECTION.—The countries referred to in paragraph (1)(D)(iii) shall include Afghanistan, Algeria, Bangladesh, Democratic Republic of Congo, Egypt, India, Indonesia, Iraq, Jordan, Kenya, Lebanon, Morocco, Pakistan, Philippines, Saudi Arabia, Somalia, Spain, Syria, Thailand, Tunisia, Turkey, Yemen, and any other country that meets the conditions described in subclause (I) or (II) of paragraph (1)(D)(iii).

(3) INTERAGENCY COOPERATION.—In preparing the report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence,

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

(J) the United States Agency for International Development; and

(K) any other Federal department that maintains relevant information.

(4) REPORT CLASSIFICATION.—The report required under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

SA 5300. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, strike line 14 and all that follows through page 246, line 6, and insert the following:

(b) ESTABLISHMENT WITHIN THE ARMED FORCES OF UNITS FOR ASSISTANCE IN MANAGING CONSEQUENCES OF INCIDENTS OF NATIONAL SIGNIFICANCE INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.—

(1) IN GENERAL.—Subject to the direction and control of the President, the Secretary of Defense shall, by not later than December 31, 2009, establish within the Armed Forces three units having the primary mission of assisting State and local governments with managing the consequences of multiple incidents of national significance involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(2) REQUIREMENTS.—The responsibilities of the units established under subsection (a) in providing assistance under that subsection shall include, but not be limited to, the initial conduct of medical triage, search and rescue, decontamination, and such other activities in response to an incident described in that subsection as the Secretary of Defense considers appropriate in managing the consequences of such incident.

(3) ADDITIONAL REQUIREMENTS.—In establishing the units required by subsection (a), the Secretary of Defense shall establish such requirements relating to the equipping and training of such units, and for Department of Defense support of such units, as the Secretary determines appropriate in order to ensure that each unit is, commencing not later than December 31, 2009, at a state of full operational readiness for its domestic mission at all times.

SA 5301. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. ACCESS OF MEMBERS OF THE ARMED FORCES UNDERGOING MEDICAL OR PHYSICAL EVALUATION TO CERTAIN ORGANIZATIONS PROVIDING VETERANS COUNSELING AND SERVICES.

(a) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following:

"§ 1154. Access to organizations providing counseling and services for veterans: members of the armed forces undergoing medical or physical evaluation

''(a) IN GENERAL.—Each Secretary of a military department shall carry out a program to facilitate the access of members of the armed forces under the jurisdiction of such Secretary for whom a medical evaluation board or physical evaluation board has been initiated, as soon as practicable after the initiation of such board, to representatives of military service organizations, veterans service organizations, and State veterans agencies that provide counseling and services to members of the armed forces.

''(b) NOTICE ON AVAILABILITY OF COUNSELING AND SERVICES.—In carrying out a program under this section, each Secretary of a military department shall provide to the members of the armed forces under the jurisdiction of such Secretary that are described in subsection (a), and their family members, notice that organizations described in that subsection provide counseling and services to veterans.

''(c) ACCESS TO SPACE AND EQUIPMENT.—The commander of a military installation may not refuse the use of space and equipment at military installations, that is required to be provided by section 2670(c) of this title, to representatives of a veterans service organizations, including those authorized to provide counseling and services at the installation under this section.

''(d) PRIVATE SPACE FOR COUNSELING AND SERVICES.—The commander of each facility or location at which access is provided under subsection (c) shall, at the request of a member seeking to receive counseling and services under the program under this section, provide private space in which the member may receive such counseling and services from organizations and agencies described in subsection (a).

''(e) ELECTION NOT TO PARTICIPATE.—A member of the armed forces may affirmatively elect not to participate in the program under this section.

''(f) REPRESENTATIVE DEFINED.—In this section, the term 'representative', with respect to a veterans service organization, means a representative of an organization that is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by adding at the end the following:

''1154. Access to organizations providing counseling and services for veterans: members of the armed forces undergoing medical or physical evaluation.''.

SA 5302. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. GRANT OF FEDERAL CHARTER TO MILITARY OFFICERS ASSOCIATION OF AMERICA.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1403 the following new chapter:

''CHAPTER 1404—MILITARY OFFICERS ASSOCIATION OF AMERICA

''§ 140401. Organization

''(a) FEDERAL CHARTER.—Military Officers Association of America (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and is organized under the laws of the Commonwealth of Virginia, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

''§ 140402. Purposes

''(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

''(1) to inculcate and stimulate love of the United States and the flag;

''(2) to defend the honor, integrity, and supremacy of the Constitution of the United States and the United States Government;

''(3) to advocate military forces adequate to the defense of the United States;

''(4) to foster the integrity and prestige of the Armed Forces;

''(5) to foster fraternal relations between all branches of the various Armed Forces from which members are drawn;

''(6) to further the education of children of members of the Armed Forces;

''(7) to aid members of the Armed forces and their family members and survivors in every proper and legitimate manner;

''(8) to present and support legislative proposals that provide for the fair and equitable treatment of members of the Armed Forces, including the National Guard and Reserves, military retirees, family members, survivors, and veterans; and

''(9) to encourage recruitment and appointment in the Armed Forces.

''§ 140403. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

''§ 140404. Governing body

''(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation and bylaws of the corporation.

''(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation and bylaws.

''§ 140405. Powers

''The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

''§ 140406. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member of the corporation during the life of the charter granted by this chapter. This subsection does not

prevent the payment of reasonable compensation to an officer or employee of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

''(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

''(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the Commonwealth of Virginia.

''§ 140407. Tax-exempt status required as condition of charter

''If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

''§ 140408. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

''(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose at any reasonable time.

''§ 140409. Service of process

''The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

''§ 140410. Liability for acts of officers and agents

''The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

''§ 140411. Annual report

''The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

''§ 140412. Definition

''In this chapter, the term 'State' includes the District of Columbia and the territories and possessions of the United States.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1403 the following new item:

''1404. Military Officers Association of America .....140401''.

SA 5303. Mr. BINGAMAN (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, insert the following:

SEC. 1083. PAYMENT OF COMPENSATION TO MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE UNITED STATES CAPTURED BY JAPAN AND FORCED TO PERFORM SLAVE LABOR DURING WORLD WAR II.

(a) FINDINGS.—Congress makes the following findings:

(1) During World War II, members of the Armed Forces of the United States fought valiantly against the Armed Forces of Japan in the Pacific. In particular, from December 1941 until May 1942, members of the Armed Forces of the United States fought courageously against overwhelming Armed Forces of Japan on Wake Island, Guam, the Philippine Islands, including the Bataan Peninsula and Corregidor, and the Dutch East Indies, thereby preventing Japan from accomplishing strategic objectives necessary for achieving a preemptive military victory in the Pacific during World War II.

(2) During initial military action in the Philippines, members of the Armed Forces of the United States were ordered to surrender on April 9, 1942, and were forced to march 65 miles to prison camps at Camp O'Donnell, Cabanatuan, and Bilibid. More than 10,000 people of the United States died during the march (known as the ''Bataan Death March'') and during subsequent imprisonment as a result of starvation, disease, and executions.

(3) Beginning in January 1942, the Armed Forces of Japan began transporting United States prisoners of war to Japan, Taiwan, Manchuria, and Korea to perform slave labor to support Japanese industries. Many of the unmarked merchant vessels in which the prisoners were transported (known as ''Hell Ships'') were attacked by the Armed Forces of the United States, which, according to some estimates, killed more than 3,600 people of the United States.

(4) Following the conclusion of World War II, the Government of the United States agreed to pay compensation to former prisoners of war of the United States, amounting to $2.50 per day of imprisonment. This compensation, paid from assets of Japan frozen by the Government of the United States, is wholly insufficient to compensate fully such former prisoners of war for the conditions they endured. Neither the Government of Japan nor any corporations of Japan admit any liability requiring payment of compensation.

(5) Other countries, including Canada, the United Kingdom, Isle of Man, Norway, the Netherlands, New Zealand, and Australia have previously awarded such a compensation to their surviving veterans who were captured by the Japanese during World War II and required to perform slave labor. Currently, the United States is the only Western Allied power that has not awarded similar compensation to these distinguished heroes of World War II who were prisoners of war of Japan.

(b) PURPOSE.—The purpose of this section is to recognize, by the provision of compensation, the heroic contributions of the members of the Armed Forces and civilian employees of the United States who were captured by the Japanese military during World War II and denied their basic human rights by being forced to perform slave labor by the Imperial Government of Japan or by corporations of Japan during World War II.

(c) DEFINITIONS.—In this section:

(1) COVERED VETERAN OR CIVILIAN INTERNEE.—The term ''covered veteran or civilian internee'' means any individual who—

(A) is a citizen of the United States;

(B) was a member of the Armed Forces, a civilian employee of the United States, or an employee of a contractor of the United States during World War II;

(C) served in or with the Armed Forces during World War II;

(D) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(E) was required by the Imperial Government of Japan, or one or more corporations of Japan, to perform slave labor during World War II.

(2) SLAVE LABOR.—The term ''slave labor'' means forced servitude under conditions of subjugation.

(d) PAYMENT OF COMPENSATION REQUIRED.—

(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary of Defense shall pay compensation to each living covered veteran or civilian internee, or to the surviving spouse of a covered veteran or civilian internee, in the amount of $20,000.

(2) REBUTTABLE PRESUMPTION.—An application for compensation submitted under this section by or with respect to an individual seeking treatment as a covered veteran or civilian internee under this section is subject to a rebuttable presumption that such individual is a covered veteran or civilian internee if the application on its face provides information sufficient to establish such individual as a covered veteran or civilian internee.

(e) RELATIONSHIP TO OTHER PAYMENTS.—Any amount paid to a person under this section for activity described in subsection (c)(1)(D) is in addition to any other amount paid to such person for such activity under any other provision of law.

(f) INAPPLICABILITY OF TAXATION OR ATTACHMENT.—Any amount paid to a person under this section shall not be subject to any taxation, attachment, execution, levy, tax lien, or detention under any process whatever.

SA 5304. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 152. AC–130H SPECTRE GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than December 31, 2008, the Secretary of the Air Force shall submit to the congressional defense committees an assessment of the reduction in the service life of AC–130H Spectre gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven to ten year period beginning with the date of the enactment of this Act.

(b) ELEMENTS.—

(1) IN GENERAL.—The report required by subsection (a) shall include the following:

(A) An estimate of the maintenance costs for the AC–130H Spectre gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period,

which costs shall be set forth on a per-aircraft basis.

(B) A description of the age and serviceability of the armament systems of the AC–130H Spectre gunships.

(C) An estimate of the costs of retrofitting the armament systems of the AC–130H Spectre gunships with advanced medium caliber weapons and precision guided munitions during that period.

(D) A description of the age of the electronic warfare systems of the AC–130H Spectre gunships, and an estimate of the cost of upgrading such systems during that period.

(E) A description of the age of the avionics systems of the AC–130H Spectre gunships, and an estimate of the cost of upgrading such systems during that period.

(F) An estimate of the costs of replacing the AC–130H Spectre gunships listed in paragraph (2) with AC–130J gunships, including—

(i) a description of the time required for the replacement of every AC–130H Spectre gunship with an AC–130J gunship; and

(ii) a comparative analysis of the costs of operation of AC–130H Spectre gunships, including costs of operation, maintenance, and personnel, with the anticipated costs of operation of AC–130J gunships.

(2) COVERED AC–130H SPECTRE GUNSHIPS.—The AC–130H Spectre gunships listed in this paragraph are the AC–130H Spectre gunships with tail numbers as follows:

(A) Tail number 69–6568.
(B) Tail number 69–6569.
(C) Tail number 69–6570.
(D) Tail number 69–6572.
(E) Tail number 69–6573.
(F) Tail number 69–6574.
(G) Tail number 69–6575.
(H) Tail number 69–6577.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 5305. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. TEST AND EVALUATION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) REVIEW OF TEST AND EVALUATION ACTIVITIES.—The Defense Science Board shall carry out a thorough review of the conduct of test and evaluation activities by the Department of Defense.

(b) SCOPE OF REVIEW.—The review required by subsection (a) shall address and include the following:

(1) The test and evaluation enterprise using the recommendations of 1999 report of the Defense Science Board as a baseline.

(2) The effectiveness of the Defense Testing Resource Management Center in coordinating and certifying Department of Defense budgets for test and evaluation.

(3) The adequacy of funding through the future-years defense program to sustain Major Range and Test Facility Base activities both through personnel and equipment acquisition and maintenance.

(4) An identification of means for strengthening the management and coordination of the test and evaluation enterprise of the Department of Defense, including means of improving the role of the Defense Testing Resource Management Center in such activities.

(5) An assessment whether the Department of Defense is fully meeting the objectives set forth in section 232 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2489), and, if not, an identification of additional actions to be taken by the Department or Congress to achieve full achievement of such objectives.

(6) Such other matters as the Secretary of Defense considers appropriate.

(c) REPORT.—The Defense Science Board shall submit to the Secretary of Defense, and to Congress, a report setting forth such recommendations for legislative or administrative action as the Defense Science Board considers appropriate as a result of the review under subsection (a) for improvements in the conduct of test and evaluation activities by the Department of Defense.

SA 5306. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1068. SERVICE AS FELLOWS OR INTERNS OF PUBLIC OFFICE OF MEMBERS OF THE ARMED FORCES WHO ARE UNDERGOING CONVALESCENCE AT MILITARY MEDICAL TREATMENT FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a program under which members of the Armed Forces who are undergoing convalescence at military medical treatment facilities in the National Capital Region, including Walter Reed Army Medical Center, District of Columbia, are eligible to serve as follows:

(A) As a fellow of Congress, whether in the staff of a Member of Congress or the staff of a committee of Congress.

(B) As a fellow of the legislature of a State, whether in the staff of a member of such legislature or the staff of a committee of such legislature.

(C) As an intern in any other public office.

(2) DESIGNATION.—The program required by this section shall be known as the ''Wounded Warrior Public Service Initiative''.

(b) PARTICIPATION OF MEMBERS OF THE ARMED FORCES.—

(1) RANGE OF MEMBERS.—In carrying out the program under this section, the Secretary shall encourage participation in the program by members of the Armed Forces in a range of grades, including enlisted grades, non-commissioned officer grades, and officer grades.

(2) VOLUNTARY PARTICIPATION.—The participation of members of the Armed Forces in the program shall be on a voluntary basis.

(3) ENCOURAGEMENT OF PARTICIPATION IN PROGRAM.—The Secretary shall take appropriate actions—

(A) to notify members of the Armed Forces described in subsection (a)(1) of their eligibility for participation in the program; and

(B) to facilitate participation in the program by members who elect to participate in the program, including through the provision of appropriate support for such members in participating in the program.

(4) PROHIBITION ON POLITICAL ACTIVITIES.—While serving in an office under the program, a member of the Armed Forces participating in the program may not engage in any political activity otherwise prohibited by law for similar employees of such office.

(c) PAY AND ALLOWANCES.—

(1) NO ADDITIONAL PAY AND ALLOWANCES.—A member of the Armed Forces participating in the program under this section shall not be entitled to any pay and allowances by reason of participation in the program other than the pay and allowances otherwise payable to the member by law.

(2) EXPENSES.—A member of the Armed Forces participating in the program shall be paid or reimbursed for the expenses incurred by the member in connection with participation in the program.

(d) ADMINISTRATIVE MATTERS.—

(1) ADMINISTRATION.—The program required by this section shall be administered within the Department of Defense by an appropriate official of the Department assigned by the Secretary for that purpose.

(2) RESPONSIBILITIES.—In administering the program, the official assigned under paragraph (1) shall—

(A) work collaboratively with Members and committees of Congress to identify appropriate fellowship opportunities for members of the Armed Forces seeking to participate in the program; and

(B) work collaboratively with the Director of the Capitol Guide Service and Congressional Special Services Office of the Architect of the Capitol to accommodate the special physical needs of members of the Armed Forces who are participating in the program.

(e) PAYMENT OF COSTS.—Any costs associated with the participation of members of the Armed Forces in the program required by this section, including any costs of expenses of members under subsection (c)(2), shall be borne by the Department of Defense from amounts available to the Department for the Operation Warfighter Program.

(f) DURATION.—The program required by this section shall cease on the date that is five years after the commencement of the program. No member of the Armed Forces may serve under the program after the date of the cessation of the program.

(g) DEFINITIONS.—In this section:

(1) The term ''public office'' means an office within a department, agency, commission, board, corporation, or service of the Federal Government or a State government that exercises any function of government.

(2) The term ''State'' includes the District of Columbia.

SA 5307. Mr. BAUCUS (for himself, Mr. CONRAD, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 332. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF THE ENCROACHMENT OF CIVILIAN ACTIVITIES ON MILITARY INSTALLATIONS AND ACTIVITIES IN THE UNITED STATES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States

shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the extent of the encroachment of civilian activities (including the use of waters and airspace) on military installations and activities in the United States during the period from 2009 through 2019.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the extent to which the Department of Defense has identified encroachment of civilian activities (including the use of waters and airspace) on military installations and activities in the United States.

(2) A description of the extent to which the Department has identified non-attainment of air quality standards as a reason for not pursuing the expansion of military operations at military installations in the United States.

(3) A description of the extent to which the Department has identified the cost to the Department of programs and activities to mitigate the encroachment of civilian activities on military installations and activities in the United States as described under paragraphs (1) and (2).

(4) A description of the programs or processes of the Department for estimating the likely changes in the encroachment of civilian activities in the United States, and in the non-attainment of air quality standards, on military installations and activities in the United States during the period from 2009 through 2019 as a result of anticipated changes in relevant civilian activities (such as air travel).

(5) A description of the plans of the Department for mitigating civilian encroachment on military installations in the United States and to address non-attainment of air quality standards from 2009 through 2019, and a description of the extent to which the Department has identified the costs of such plans.

(6) An assessment of the adequacy of current Department actions to address civilian encroachment on military installations in the United States and to address non-attainment of air quality standards.

(7) An identification and assessment of alternative courses available to the Department to minimize the effects of encroachment of civilian activities on military operations in the United States.

(8) Any other matters relating to the encroachment of civilian activities on military installations and activities in the United States that the Comptroller General considers appropriate.

SA 5308. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 572. RESPITE CARE FOR SPOUSES OF MEMBERS OF THE ARMED FORCES DEPLOYING TO COMBAT ZONES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to ensure that each spouse of a member of the Armed Forces who deploys to a combat zone has access to respite care with respect to children under the age of 13 throughout the period of the member's deployment to the combat zone.

(b) ACCESS.—For purposes of subsection (a), a spouse shall be treated as having access to respite care throughout the period of a member's deployment to a combat zone if—

(1) access to respite care is reserved for the spouse at the child development program at the permanent duty station of the member concerned during the entirety of such period;

(2) the Secretary of Defense provides (whether by payment or reimbursement) for access to respite care from some other source during the entirety of such period; or

(3) access to respite care throughout such period is achieved by a combination of the mechanisms described in paragraphs (1) and (2).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the guidance issued under subsection (a), including a description of how respite care will be made available to spouses described in subsection (a) whether residing on a military installation or off a military installation.

(d) RESPITE CARE DEFINED.—In this section, the term ''respite care'' means short-term, temporary relief to those who are caring for dependent children.

SA 5309. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1222. ADJUSTMENT OF STATUS FOR CERTAIN IRAQIS.

Section 1244 of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110–181; 122 Stat. 396) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

''(1) was paroled or admitted as a non-immigrant into the United States; and

''(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)).''.

SA 5310. Mr. SESSIONS submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. INCREASE IN AUTHORIZED AMOUNTS OF TUITION AND SIMILAR ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN AUTHORIZED AMOUNTS.—The maximum amounts of advanced education assistance providable to an individual under section 2005 of title 10, United States Code, and of tuition payable for an individual for off-duty training or education under section 2007 of title 10, United States Code, shall, under regulations prescribed by the Secretary of Defense, be the applicable amounts as follows:

(1) In the case of tuition—

(A) not more than $350 per credit hour; and

(B) not more than $6,300 per year.

(2) In the case of the stipend for books—

(A) not more than $300 per semester; and

(B) not more than $700 per year.

(b) INCREASE IN RECEIPT OF ASSISTANCE.—The Secretary of Defense shall take appropriate actions to achieve the objective of increasing the number of members of the Armed Forces provided advanced education assistance under section 2005 of title 10, United States Code, and of the number of individuals for whom tuition is paid for off-duty training or education under section 2007 of title 10, United States Code, including individuals who are also in receipt of post–9/11 veterans educational assistance under chapter 33 of title 38, United States Code, by a number equal to 25 percent of the number of members provided such assistance or for whom such tuition is paid, as the case may be, as of the date of the enactment of this Act.

(c) REPORT ON ACTIONS TO FACILITATE RETENTION THROUGH PURSUIT OF POST-SECONDARY DEGREES BY MEMBERS OF THE ARMED FORCES.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committee a report on the actions being taken by the Secretary to enhance retention by assisting members of the Armed Forces in making progress toward receipt of associates', bachelor's degrees, master's degrees, and doctoral degrees from accredited institutions of higher education (including Department of Defense professional military education schools) while continuing their careers in the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the actions proposed to be taken by the Secretary of Defense under subsection (b).

(B) An assessment by each Secretary concerned of the projected effects on usage of in-service educational programs, and the effects on retention of officers and enlisted members of the Armed Forces through fiscal year 2011, of changes to post-service educational benefits under chapters 30 and 33 of title 38, United States Code, and chapters 1606 and 1607 of title 10, United States Code.

(C) Such recommendations as the Secretary of Defense considers appropriate for other actions to enhance retention and assist members of the Armed Forces in making progress toward receipt of associates' degrees, bachelor's degrees, master's degrees, and doctoral degrees while continuing their careers in the Armed Forces, including—

(i) modifications of policies on tuition assistance;

(ii) the extension of sabbaticals from service in the Armed Forces for educational purposes;

(iii) the provision of associates-level, bachelor-level, master-level, or doctoral-level courses of education by the military departments and through accredited civilian institutions of higher education; and

(iv) additional or enhanced payments of educational expenses for associates-level bachelor-level, master-level, and doctoral-level courses by the military departments or jointly by the military departments and the Department of Veterans Affairs.

(3) CONSULTATION.—In developing recommendations under paragraph (2)(B) for the report required by paragraph (1), the Secretary of Defense shall consult with the Secretary of Veterans Affairs.

SA 5311. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 907. TEST AND EVALUATION ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) REVIEW OF TEST AND EVALUATION ACTIVITIES.—The Defense Science Board shall carry out a thorough review of the conduct of test and evaluation activities by the Department of Defense.

(b) SCOPE OF REVIEW.—The review required by subsection (a) shall address and include the following:

(1) The test and evaluation enterprise using the recommendations of 1999 report of the Defense Science Board as a baseline.

(2) The effectiveness of the Test Resource Management Center in coordinating and certifying Department of Defense budgets for test and evaluation.

(3) The adequacy of funding through the future-years defense program to sustain Major Range and Test Facility Base activities both through personnel and equipment acquisition and maintenance.

(4) An identification of means for strengthening the management and coordination of the test and evaluation enterprise of the Department of Defense, including means of improving the role of the Test Resource Management Center in such activities.

(5) An assessment whether the Department of Defense is fully meeting the objectives set forth in subtitle D of title II of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314), and, if not, an identification of additional actions to be taken by the Department or Congress to achieve full achievement of such objectives.

(6) Such other matters as the Secretary of Defense considers appropriate.

(c) REPORT.—The Defense Science Board shall submit to the Secretary of Defense, and to Congress, a report setting forth such recommendations for legislative or administrative action as the Defense Science Board considers appropriate as a result of the review under subsection (a) for improvements in the conduct of test and evaluation activities by the Department of Defense.

SA 5312. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 834. IMPROVEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) DISCLOSURE OF INVESTIGATION FILES.—Paragraph (1) of subsection (b) of section 2409 of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following new subparagraph:

''(B) The file and any records of the investigation of a complaint under this paragraph shall be subject to disclosure in accordance with the provisions of section 552a of title 5.''.

(b) EVIDENCE SUBSTANTIATING OCCURRENCE OF REPRISAL.—Subsection (b) of such section is further amended by adding at the end the following new paragraph:

''(3)(A) A person alleging a reprisal under this section shall affirmatively establish the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal. A disclosure may be demonstrated as a contributing factor for purposes of this paragraph by circumstantial evidence, including evidence as follows:

''(i) Evidence that the official undertaking the reprisal knew of the disclosure.

''(ii) Evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

''(B) Except as provided in subparagraph (C), if a reprisal is affirmatively established under subparagraph (A), the Inspector General shall recommend in the report under paragraph (1) that corrective action be taken under subsection (c).

''(C) The Inspector General may not recommend corrective action under subparagraph (B) with respect to a reprisal that is affirmatively established under subparagraph (A) if the contractor demonstrates by clear and convincing evidence that the contractor would have taken the action constituting the reprisal in the absence of the disclosure.''.

(c) BURDEN OF PROOF IN ACTIONS FOLLOWING LACK OF RELIEF.—Paragraph (2) of subsection (c) of such section is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following new subparagraph:

''(B) In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including the burden of proof in that subsection, subject to the establishment by the contractor that the action alleged to constitute the reprisal did not constitute a reprisal in accordance with the provisions of subsection (b)(3)(C), including the burden of proof in that subsection.''.

(d) CLARIFICATION OF RECOURSE TO JUDICIAL REVIEW.—Paragraph (5) of subsection (c) of such section is amended by striking ''Any person'' and inserting ''Except in the case of a complainant who brings an action under paragraph (2), any person''.

SA 5313. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 831 and insert the following:

SEC. 831. DATABASE FOR FEDERAL AGENCY CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Director of the Office of Management and Budget, the Administrator of General Services shall establish, not later than one year after the date of the enactment of this Act, a database of information regarding the integrity and performance of certain persons awarded Federal agency contracts for use by Federal agency officials having authority over contracts.

(b) PERSONS COVERED.—The database shall cover the following:

(1) Any person awarded a Federal agency contract in excess of $500,000, if any information described in subsection (c) exists with respect to such person.

(2) Any person awarded such other category or categories of Federal agency contract as the Federal Acquisition Regulation may provide, if such information exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a covered person the database shall include information (in the form of a brief description) for the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract with the Federal Government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(C) In an administrative proceeding, a finding of liability that results in—

(i) the payment of a monetary fine or penalty of $5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(D) In a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in such period due to default.

(3) Each Federal suspension and debarment of the person in that period.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding.

(5) Each final finding by a Federal official in that period that the person has been determined not to be a responsible source under section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(6) Such other information as shall be provided for purposes of this section in the Federal Acquisition Regulation.

(7) To the maximum extent practical, information similar to the information covered by paragraphs (1) through (4) in connection with the award or performance of a contract with a State government.

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Administrator shall design and maintain the database in a manner that allows the appropriate Federal agency officials to directly input and update in the information in the database relating to actions such officials have taken with regard to contractors.

(2) TIMELINESS AND ACCURACY.—The Administrator shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to submit comments pertaining to information about such person in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Administrator shall ensure that the database is available to appropriate acquisition officials of Federal agencies, to such other government officials as the Administrator determines appropriate, and to Congress.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract in excess of $500,000, the Federal agency official responsible for awarding the contract shall review the database and shall consider information in the database with regard to any offer, along with other past performance information available with respect to that offeror, in making any responsibility determination or past performance evaluation for such offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of a Federal agency in excess of $500,000 shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require that persons with Federal agency contracts valued in total greater than $10,000,000 shall—

(1) submit to the Administrator a report that includes the information subject to inclusion in the database as listed in paragraphs (1) through (7) of subsection (c) current as of the date of submittal of such report under this subsection; and

(2) update such report on a semiannual basis.

(g) RULEMAKING.—The Administrator shall promulgate such regulations as may be necessary to carry out this section.

SA 5314. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 3. INDEPENDENT STUDENT.

(a) AMENDMENT.—Section 480(d)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)(3)) is amended by inserting ''or is a current active member of the National Guard or Reserve forces of the United States who has completed initial military training'' after ''purposes''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective July 1, 2008.

SA 5315. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. GRADE AND SERVICE CREDIT OF COMMISSIONED OFFICERS IN CERTAIN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) GRADE OF MEDICAL STUDENTS OF USUHS.—Section 2114(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentence: ''Medical students so commissioned shall be appointed as regular officers in the grade of second lieutenant or ensign, or if they meet promotion criteria prescribed by the Secretary concerned, in the grade of first lieutenant or lieutenant (junior grade), and shall serve on active duty with full pay and allowances of an officer in the applicable grade.''; and

(2) in paragraph (2), striking ''the grade of second lieutenant or ensign'' in the first sentence and inserting ''the member's grade under paragraph (1)''.

(b) SERVICE CREDIT FOR PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section 2126(a) of such title is amended by striking ''shall not be counted—'' and all that follows and inserting ''shall not be counted in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program.''.

SA 5316. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITED ACTIVITIES AT MILITARY RECRUITMENT CENTERS.

(a) IN GENERAL.—Section 248(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

''(3) by force or threat of force or by physical obstruction, intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing services of a military recruitment center; or''; and

(4) in paragraph (4) (as redesignated by paragraph (2))—

(A) by striking ''or intentionally'' and inserting ''intentionally''; and

(B) by inserting before the comma at the end the following: '', or intentionally damages or destroys the property of a military recruitment center''.

(b) CIVIL REMEDIES.—Section 248(c)(1)(A) of title 18, United States Code, is amended—

(1) by striking ''and such'' and inserting ''such''; and

(2) by inserting before the period the following: '', and such an action may be brought under subsection (a)(3) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services of a military recruitment center''.

(c) RULES OF CONSTRUCTION.—Section 248(d)(2) of title 18, United States Code, is amended by inserting ''or military recruitment center'' after ''outside a facility''.

(d) DEFINITIONS.—Section 248(e)(4) is amended—

(1) by striking ''services or to or from a place of religious worship'' and inserting ''services, a place of religious worship, or a military recruitment center''; and

(2) by striking ''facility or place of religious worship'' and inserting ''facility, place of religious worship, or military recruitment center''.

SA 5317. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, before line 6, insert the following:

SEC. 344. ALTERNATIVE AVIATION FUEL INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) Dependence on foreign sources of oil is detrimental to the national security of the United States due to possible disruptions in supply.

(2) The Department of Defense is the largest single consumer of fuel in the United States.

(3) The United States Air Force is the largest consumer of fuel in the Department of Defense.

(4) The skyrocketing price of fuel is having a significant budgetary impact on the Department of Defense.

(5) The United States Air Force uses about 2,600,000,000 gallons of jet fuel a year, or 10 percent of the entire domestic market in aviation fuel.

(6) The fuel costs of the Air Force have tripled over the past four years, costing nearly $6,000,000,000 in 2007, up from $2,000,000,000 in 2003. During the same period, its consumption of fuel decreased by 10 percent.

(7) The Air Force is committed to environmentally friendly energy solutions.

(8) The Air Force has developed an energy program (in this section referred to as the ''Air Force Energy Program'') to certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011, and to acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend, at prices equal to or less than market prices for petroleum-based alternatives, that exhibits a more favorable environmental footprint across all major contaminates of concern, by not later than December 31, 2016.

(9) The Air Force Energy Program will provide options to reduce the use of foreign oil, by focusing on expanding alternative energy options that provide favorable environmental attributes as compared to currently-available options.

(b) CONTINUATION OF INITIATIVES.—

(1) IN GENERAL.—The Secretary of the Air Force shall continue the alternative aviation fuel initiatives of the Air Force in order to—

(A) certify the entire Air Force aircraft fleet for operations on a 50/50 synthetic fuel blend by not later than June 30, 2011;

(B) acquire 50 percent of its domestic aviation fuel requirement from a domestically-sourced synthetic fuel blend by not later than December 31, 2016, provided that—

(i) the lifecycle greenhouse gas emissions associated with the production and combustion of such fuel shall not be greater than

such emissions from conventional fuels that are used in the same application; and

(ii) synthetic fuel prices are equal to or less than market prices for petroleum-based alternatives;

(C) take actions in collaboration with the commercial aviation industry and equipment manufacturers to spur the development of a domestic alternative aviation fuel industry; and

(D) take actions in collaboration with other Federal agencies, the commercial sector, and academia to solicit for and test the next generation of environmentally-friendly alternative aviation fuels.

(2) ANNUAL REPORT.—Within 60 days after enactment and annually thereafter, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress a report on the progress of the alternative aviation fuel initiative program, including—

(A) the status of aircraft fleet certification, until complete;

(B) the quantities of domestically-sourced synthetic fuels purchased for use by the Air Force in the fiscal year ending in such year;

(C) progress made against published goals for such fiscal year;

(D) the status of recovery plans to achieve any goals set for previous years that were not achieved; and

(E) the establishment of goals and objectives for the current fiscal year.

(c) AIR FORCE AS HOST TO ALTERNATIVE ENERGY PROJECTS.—

(1) IN GENERAL.—In order to generate revenue and provide increased security for base energy sources, the Secretary of the Air Force shall—

(A) by not later than 180 days after the date of the enactment of this Act, identify 10 installations or other facilities of the Air Force that could be suitable sites to host alternative energy projects that yield at least 10 megawatts of energy or commercial quantities of fuel or that use break-through technologies;

(B) establish a development program to solicit project concepts for suitable sites;

(C) solicit proposals for specific alternative energy projects for each suitable site;

(D) execute the design and operation of projects that are privately funded, privately developed, and privately operated on property leased by the Air Force to support such projects; and

(E) continue to seek and explore opportunities for alternative energy projects in addition to those identified in accordance with subparagraph (A).

(2) ANNUAL REPORT.—Within 60 days after enactment, and annually thereafter, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall submit to Congress an annual report on the progress made in hosting alternative energy projects on Air Force installations, including—

(A) projects solicited or closed in the previous year;

(B) projects expected to be solicited in the next year; and

(C) efforts to seek and explore further opportunities to identify suitable sites to host alternative energy projects as required by paragraph (1)(E).

SA 5318. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 329, after line 14, add the following:

SEC. 1110. FEDERAL EMPLOYEES PROGRAM FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) SHORT TITLE.—This section may be cited as the ''Military Family Support Act''.

(b) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 18 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver—

(i) while the individual who designated the caregiver under paragraph (3)(A) remains a qualified member of the Armed Forces; or

(ii) after being designated as the caregiver under paragraph (3)(B) and while the applicable qualified member of the Armed Forces remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—Except as provided under paragraph (5), the term ''employee'' has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces''—

(i) means—

(I) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(II) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code; and

(ii) includes a member described under clause (i) who is medically discharged or retires from the Armed Forces, but only for the 36 month period beginning on the date of that medical discharge or retirement.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program that—

(A) authorizes a caregiver to—

(i) use any sick leave of that caregiver during a covered period of service; and

(ii) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency;

(B) provides a process under which a caregiver provides the employing agency reasonable notice of the need for leave under this section, similar to the process under which notice is provided to the employing agency under subchapter V of chapter 63 of title 5, United States Code; and

(C) protects employees from discrimination or retaliation for the use of the leave under this section and provides employees with the opportunity to appeal a denial of the use of leave under this section.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) INCAPACITATED MEMBERS.—If a qualified member of the Armed Forces who did not submit a designation under subparagraph (A) becomes incapacitated and is unable to submit that designation, a designation under subparagraph (A) may be submitted on behalf of that member by another individual in accordance with regulations prescribed by the Office of Personnel Management after consultation with the Department of Defense.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) PROHIBITION OF COERCION.—

(A) DEFINITION.—In this section:

(i) EMPLOYEE.—The term ''employee'' has the meaning given under section 2105 of title 5, United States Code.

(ii) INTIMIDATE, THREATEN, OR COERCE.—The term ''intimidate, threaten, or coerce'' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation).

(B) PROHIBITION.—An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of any rights which such other employee may have under this section.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2012.

(c) GAO REPORT.—Not later than June 30, 2010, the Government Accountability Office shall submit a report to Congress on the program under subsection (b) that includes—

(1) an evaluation of the success of the program;

(2) recommendations for the continuance or termination of the program; and

(3) a recommendation for the program or an expansion of the Family Medical Leave Act of 1993.

(d) OFFSET.—The aggregate amount authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test and evaluation shall be reduced by $2,000,000.

SA 5319. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated—

(1) $1,265,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $1,265,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) DESIGNATION.—Any amount provided under subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SA 5320. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, between lines 11 and 12, insert the following:

SEC. 332. REDUCTION OF ON ORDER SECONDARY INVENTORY BEYOND REQUIREMENTS.

(a) PLAN FOR REDUCTION OF ON ORDER SECONDARY INVENTORY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for improving the inventory systems of the military departments and reducing the acquisition of unnecessary secondary inventory.

(2) CONTENT.—The plan submitted under paragraph (1) shall include—

(A) a plan for reducing the level of on order secondary inventory of each military department that is beyond requirements to 50 percent of the level of such inventory as of the date of the enactment of this Act;

(B) plans to improve related audit systems to reduce the gap between projected requirements and actual requirements; and

(C) such recommendations for legislative or administrative action as the Secretary considers appropriate, including actions relating to information technology, the hiring and training of personnel, and the oversight of contracts to acquire secondary inventory, to improve the inventory systems of the military departments.

(b) QUARTERLY REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the secondary inventory of each military department, including a description of the level of inventory beyond requirements, the levels of war time reserve, economic retention, and other categories of inventory, and the quantities and values of inventory on hand and on order that are not necessary to meet requirements, including the quantities and values of orders that are marked for disposal.

(c) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—The Secretary of Defense shall certify to the congressional defense committees that, except as provided under paragraph (2), the level of on order secondary inventory of each military department that is beyond requirements has been reduced to the level that is 50 percent of the level of such inventory as of the date of the enactment of this Act.

(2) EXCEPTION FOR INVENTORY ON ORDER UNDER CERTAIN CONTRACTS.—The Secretary of Defense may exempt from the reduction requirement under paragraph (1) inventory that is on order under contracts that cannot be cancelled or modified without a net economic loss to the Department of Defense

(3) GAO REVIEW.—The Comptroller General of the United States shall review the certification under paragraph (1).

(d) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING SECONDARY INVENTORY REDUCTION.—Of the total amount authorized to be appropriated by this Act for secondary inventory for the Department of Defense, the amount available for obligation and expenditure shall be reduced by $100,000,000 until the Secretary of Defense makes the certification required under subsection (c)(1).

(e) MILITARY DEPARTMENTS DEFINED.—In this section, the term ''military departments'' means the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency.

SA 5321. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 834. ETHICS ENHANCEMENTS FOR DEPARTMENT OF DEFENSE CONTRACTORS.

(a) INAPPLICABILITY OF SEPARATE STATUTORY AGENCY OR BUREAU DESIGNATIONS TO SENIOR MILITARY PERSONNEL.—Section 207(h)(2) of title 18, United States Code, is amended by striking ''or (iii)'' and inserting '', (iii), or (iv)''.

(b) ASSURANCE OF CONTRACTOR COMPLIANCE WITH POST-EMPLOYMENT ETHICS RESTRICTIONS.—

(1) IN GENERAL.—Section 847 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 243; 10 U.S.C. 1701 note) is amended—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) CONTRACTOR ASSURANCE OF COMPLIANCE WITH POST-EMPLOYMENT RESTRICTIONS.—

''(1) ASSURANCE AT TIME OF BID, OFFER, OR PROPOSAL FOR CONTRACT.—Each person or entity making a bid, offer, or proposal for a contract with the Department of Defense, or an interagency contractual agreement using Department of Defense funds, to which post-employment restrictions apply shall certify to the Department of Defense at the time of the bid, offer, or proposal for such contract that each former official of the Department of Defense described in subsection (d) who is receiving compensation from such person or entity and is covered by such restrictions with respect to such contract is fully in compliance with such restrictions with respect to such contract.

''(2) ASSURANCE AT AWARD OF CONTRACT.—Each person or entity awarded a contract with the Department of Defense, or an interagency contractual agreement using Department of Defense funds, to which post-employment restrictions apply shall certify to the Department of Defense at the time of the award of such contract the following:

''(A) That each former official of the Department of Defense described in subsection (d) who is receiving compensation from such person or entity and is covered by such restrictions with respect to such contract is fully in compliance with such restrictions with respect to such contract.

''(B) The name of each former official of the Department of Defense described by subparagraph (A) with respect to such contract.''.

(2) RECORDKEEPING.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended—

(A) by redesignating paragraph (2) as paragraph (5); and

(B) by striking paragraph (1) and inserting the following new paragraphs:

''(1) DATABASE.—The Department of Defense shall maintain in a central database or repository the following:

''(A) Each request for a written opinion made pursuant to subsection (a), and each written opinion provided pursuant to such a request.

''(B) Each certification submitted pursuant to subsection (b)(1).

''(C) Each certification submitted pursuant to subsection (b)(2).

''(2) DEADLINE FOR INCORPORATION INTO DATABASE.—Any certification received by the Department as described in subparagraph (B) or (C) of paragraph (1) and any written opinion issued by the Department as described in subparagraph (A) of such paragraph shall be incorporated into the central database or repository required by that paragraph not later than seven days after receipt, or issuance, by the Department.

''(3) PERIOD OF RETENTION.—The Department shall maintain information in the database or repository as follows:

''(A) In the case of a written opinion provided as described in paragraph (1)(A), for not less than five years after the date of the provision of such opinion.

''(B) In the case of a certification submitted as described in paragraph (1)(B), for not less than five years after the date of the submittal of such certification.

''(C) In the case of a certification submitted as described in paragraph (1)(C), for not less than five years after the date of the submittal of such certification.

''(4) PUBLIC ACCESS TO INFORMATION.—The Secretary of Defense shall make information in the database or repository available to the public in such form and manner, and subject to such restrictions or limitations, as the Secretary shall provide.''.

(3) CONFORMING AMENDMENTS.—Such section is further amended by striking ''subsection (c)'' each place it appears and inserting ''subsection (d)''.

SA 5322. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. DISPOSITION OF QUALIFIED OIL SHALE RESERVE RECEIPTS.

Section 7439 of title 10, United States Code, is amended—

(1) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''(1) Notwithstanding'' and inserting the following:

''(1) IN GENERAL.—Notwithstanding''; and

(ii) by striking ''specified in paragraph (2)'' and inserting ''beginning on November 18, 1997, and ending on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009''; and

(B) by striking paragraph (2) and inserting the following:

''(2) MINERAL LEASING ACT.—Beginning on the date of enactment of the National Defense Authorization Act for Fiscal Year 2009, any amounts received by the United States from a lease under this section (including amounts in the form of sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) shall be deposited in the Treasury of the United States, for use in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).''; and

(2) by striking subsection (g) and inserting the following:

''(g) USE OF REVENUES.—

''(1) IN GENERAL.—Of the amounts deposited in the Treasury under subsection (f)(1)—

''(A) 50 percent shall be transferred by the Secretary of the Treasury to the Secretary of the Interior, for use in accordance with paragraph (2); and

''(B) 50 percent shall be distributed by the Secretary of the Treasury to Garfield, Rio Blanco, Moffat, and Mesa Counties in the State of Colorado, in accordance with paragraph (3).

''(2) USE OF FEDERAL FUNDS.—

''(A) IN GENERAL.—Amounts transferred under paragraph (1)(A) shall be used by the Secretary of the Interior for the costs of all environmental restoration, waste management, and environmental compliance activities incurred by the United States with respect to the remediation of the land transferred under subsection (a), including the former Anvil Points oil shale facility in the State of Colorado.

''(B) DEPOSIT IN TREASURY.—On completion of the remediation of the former Anvil Points oil shale facility, the Secretary of the Interior shall return any remaining amounts transferred under paragraph (1)(A) to the Treasury of the United States, for use in accordance with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

''(3) USE OF COUNTY FUNDS.—

''(A) IN GENERAL.—Of the amounts to be distributed under paragraph (1)(B), the Secretary of the Treasury shall transfer—

''(i) 40 percent to Garfield County, Colorado;

''(ii) 40 percent to Rio Blanco County, Colorado;

''(iii) 10 percent to Moffat County, Colorado; and

''(iv) 10 percent to Mesa County, Colorado.

''(B) AUTHORIZED USES.—The amounts provided to the counties under subparagraph (A) shall be used by the counties, or any cities or political subdivisions within the counties to which the funds are transferred by the counties, to mitigate the effects of oil and gas development activities within the affected counties, cities, or political subdivisions.

''(C) LIMITATION.—Amounts provided to the counties under subparagraph (A) shall not be considered for purpose of calculating payments for the counties under chapter 69 of title 31, United States Code.''.

SA 5323. Mr. LEVIN (for Mr. LEAHY (for himself and Mr. BYRD)) proposed an amendment to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.

Section 3287 of title 18, United States Code, is amended—

(1) by inserting ''or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)),'' after ''is at war'';

(2) by inserting ''or directly connected with or related to the authorized use of the Armed Forces'' after ''prosecution of the war'';

(3) by striking ''three years'' and inserting ''5 years'';

(4) by striking ''proclaimed by the President'' and inserting ''proclaimed by a Presidential proclamation, with notice to Congress,''; and

(5) by adding at the end the following: ''For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).''.

SA 5324. Mr. VITTER (for himself, Mr. DEMINT, Mrs. DOLE, Mr. CRAPO, Mr. CORNYN, Mr. COBURN, Mr. BURR, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. SENSE OF THE SENATE ON THE DECISION OF THE SUPREME COURT ON THE DEATH PENALTY FOR CHILD RAPISTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) 1 out of 3 sexual assault victims is under 12 years of age.

(2) Raping a child is a particularly depraved, perverted, and heinous act.

(3) Child rape is among the most morally reprehensible crimes.

(4) Child rape is a gross defilement of innocence that should be severely punished.

(5) A raped child suffers immeasurable physical, psychological, and emotional harm from which the child may never recover.

(6) The Federal Government and State governments have a right and a duty to combat, prevent, and punish child rape.

(7) The popularly elected representatives of Louisiana modified the rape laws of the State in 1995, making the aggravated rape of a child 11 years of age or younger punishable by death, life imprisonment without parole, probation, or suspension of sentence, as determined by a jury.

(8) On March 2, 1998, Patrick Kennedy, a resident of Louisiana, brutally raped his 8-year-old stepdaughter.

(9) The injuries inflicted on the child victim by her stepfather were described by an expert in pediatric forensic medicine as ''the most severe he had seen from a sexual assault''.

(10) The cataclysmic injuries to her 8-year-old body required emergency surgery.

(11) A jury of 12 Louisiana citizens convicted Patrick Kennedy of this depraved crime, and unanimously sentenced him to death.

(12) The Supreme Court of Louisiana upheld this sentence, holding that the death penalty was not an excessive punishment for Kennedy's crime.

(13) The Supreme Court of Louisiana relied on precedent interpreting the eighth amendment to the Constitution of the United States.

(14) On June 25, 2008, the Supreme Court of the United States held in *Kennedy* v. *Louisiana*, No. 07–343 (2008), that executing Patrick Kennedy for the rape of his stepdaughter would be ''cruel and unusual punishment''.

(15) The Supreme Court, in the 5–4 decision, overturned the judgment of Louisiana's elected officials, the citizens who sat on the jury, and the Louisiana Supreme Court.

(16) This decision marked the first time that the Supreme Court held that the death penalty for child rape was unconstitutional.

(17) As Justice Alito observed in his dissent, the opinion of the majority is so broad that it precludes the Federal Government and State governments from authorizing the death penalty for child rape ''no matter how young the child, no matter how many times the child is raped, no matter how many children the perpetrator rapes, no matter how sadistic the crime, no matter how much physical or psychological trauma is inflicted, and no matter how heinous the perpetrator's prior criminal record may be''.

(18) In the United States, the people, not the Government, are sovereign.

(19) The Constitution of the United States is supreme and deserving of the people's allegiance.

(20) The framers of the eighth amendment did not intend to prohibit the death penalty for child rape.

(21) The imposition of the death penalty for child rape has never been within the plain and ordinary meaning of ''cruel and unusual punishment'', neither now nor at the time of the adoption of the eighth amendment.

(22) Instead of construing the eighth amendment's prohibition of ''cruel and unusual punishment'' according to its original meaning or its plain and ordinary meaning, the Court followed a 2-step approach of first attempting to discern a national consensus regarding the appropriateness of the death penalty for child rape and then applying the Justices' own independent judgment in light of their interpretation of a national consensus and evolving standards of decency.

(23) To the extent that a national consensus is relevant to the meaning of the eighth amendment, there is national consensus in favor of the death penalty for child rape, as evidenced by the adoption of that penalty by the elected branches of the Federal Government only 2 years ago, and by the swift denunciations of the *Kennedy* v. *Louisiana* decision by the presumptive nominees for President of both major political parties.

(24) The evolving standards of decency standard is an arbitrary construct without foundation in the Constitution of the United States and should have no bearing on Justices who are bound to interpret the laws of the United States.

(25) The standards of decency in the United States have evolved toward approval of the death penalty for child rape, as evidenced by 6 States and the Federal Government adopting that penalty in the past 13 years.

(26) The Supreme Court rendered its opinion without knowledge of a Federal law authorizing the death penalty for child rapists.

(27) The Federal law authorizing the death penalty for child rapists was passed by Congress and signed by the President 2 years before the Supreme Court released the decision.

(28) The Court presumably would have deferred to the elected branches of government in determining a national consensus regarding evolving standards of decency had it been aware of the Federal law authorizing the death penalty for child rapists at the time that it made the decision.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the depraved conduct of the worst child rapists merits the death penalty;

(2) standards of decency allow, and sometimes compel, the death penalty for child rape;

(3) the eighth amendment to the Constitution of the United States allows the death penalty for the rape of a child in cases in which the crime did not result, and was not intended to result, in death of the victim;

(4) the Louisiana statute making child rape punishable by death is constitutional;

(5) the Supreme Court of the United States should grant any petition for rehearing of *Kennedy* v. *Louisiana*, No. 07–343 (2008), because the case was decided under a mistaken view of Federal law;

(6) the portions of the *Kennedy* v. *Louisiana* decision regarding the national consensus or evolving standards of decency with respect to the imposition of the death penalty for child rape should not be viewed by Federal or State courts as binding precedent, because the Supreme Court was operating under a mistaken view of Federal law; and

(7) the Supreme Court should reverse its decision in *Kennedy* v. *Louisiana*, on rehearing or in a future case, because the decision was supported by neither commonly held beliefs about ''cruel and unusual punishment'', nor by the text, structure, or history of the Constitution of the United States.

SA 5325. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) TREATMENT.—Section 1965 of title 38, United States Code, is amended—

(1) in paragraph (10), by adding at the end the following new subparagraph:

''(C) The member's stillborn natural child.''; and

(2) by adding at the end the following new paragraph:

''(11) The term 'stillborn natural child' means a natural child—

''(A) whose death occurs before expulsion, extraction, or delivery; and

''(B) whose—

''(i) fetal weight is greater than 500 grams;

''(ii) in the event fetal weight is unknown, duration in utero exceeds 22 completed weeks of gestation; or

''(iii) in the event neither fetal weight nor duration in utero is known, body length (crown-to-heel) is 25 centimeters or more.''.

(b) CONFORMING AMENDMENT.—Section 101(4)(A) of such title is amended by striking ''section 1965(10)(B)'' in the matter preceding clause (i) and inserting ''subparagraph (B) or (C) of section 1965(10)''.

SA 5326. Mr. SMITH (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. 602. ENHANCEMENTS OF SEPARATION ALLOWANCE FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) SPECIAL DISPLACEMENT ALLOWANCE FOR MEMBERS WITHOUT DEPENDENTS.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 427 the following new section:

''§ 427a. Special displacement allowance

''(a) ENTITLEMENT TO ALLOWANCE.—In addition to any allowance or per diem to which such a member may be entitled under this title, a member of the uniformed services without dependents is entitled to a monthly allowance under this section if—

''(1) the member is on duty on board a ship away from the home port of the ship for a continuous period of more than 30 days; or

''(2) the member is on temporary duty away from the member's permanent station for a continuous period of more than 30 days.

''(b) EFFECTIVE DATE OF ALLOWANCE.—The commencement of entitlement of a member to an allowance under this section shall be determined in accordance with the provisions of section 427(a)(2) of this title.

''(c) AMOUNT.—The amount of the monthly allowance to which a member is entitled under this section is the amount equal to one half the amount of the monthly allowance to which members are entitled under section 427(a) of this title for the month concerned.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 427 the following new item:

''427a. Special displacement allowance.''.

(b) ANNUAL INCREASE IN MONTHLY AMOUNT OF FAMILY SEPARATION ALLOWANCE.—Section 427 of such title is amended—

(1) in subsection (a)(1), by striking ''$250'' in the matter preceding subparagraph (A) and inserting ''$250 (as increased from time to time under subsection (e))''; and

(2) by adding at the end the following new subsection:

''(e) ANNUAL INCREASE IN AMOUNT.—With respect to any fiscal year, the Secretary of Defense shall provide a percentage increase in the monthly amount of the allowance payable under subsection (a) equal to the percentage of such amount by which—

''(1) the Consumer Price Index (all items, United States City average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on September 30, 2008, and shall apply with respect to months, and, in the case of the increase required by subsection (e) of section 427 of title 37, United States Code (as added by subsection (b)(2) of this section), fiscal years, beginning after that date.

SA 5327. Mr. CHAMBLISS (for himself, Mr. KERRY, Mr. ALEXANDER, Mrs. CLINTON, Mrs. LINCOLN, Mr. JOHNSON, Mr. PRYOR, Mr. SESSIONS, Mr. KENNEDY, Mr. ROBERTS, Mr. NELSON of Florida, Mr. THUNE, Mr. INHOFE, Mr. SMITH, Mr. ISAKSON, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 642. INCLUSION OF SERVICE AFTER SEPTEMBER 11, 2001, IN DETERMINATION OF REDUCED ELIGIBILITY AGE FOR RECEIPT OF NON-REGULAR SERVICE RETIRED PAY.

Section 12731(f)(2)(A) of title 10, United States Code, is amended—

(1) by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''September 11, 2001''; and

(2) by striking ''in any fiscal year after such date'' and inserting ''in any fiscal year after fiscal year 2001''.

SA 5328. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 455, after line 19, add the following:

SEC. 2822. LAND CONVEYANCE, BUREAU OF LAND MANAGEMENT LAND, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled ''Proposed Camp Williams Land Transfer'' and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order No. 1922 of April 24, 1914, as amended by section 907 of the Camp W.G.

Williams Land Exchange Act of 1989 (title IX of Public Law 101–628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).

(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.

(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.

SEC. 2823. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Utah on behalf of the Utah National Guard (in this section referred to as the ''State'') all right, title, and interest of the United States in and to two parcels of real property, including any improvements thereon, that are located within the boundaries of Camp Williams, Utah, consist of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan as being necessary acquisitions for future missions of the Utah National Guard.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is being used solely for non-defense, commercial purposes, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. It is not a violation of the reversionary interest for the State to lease the property, or any portion thereof, to private, commercial, or governmental interests if the lease facilitates the construction and operation of buildings, facilities, roads, or other infrastructure that directly supports the defense missions of the Utah National Guard. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5329. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

''SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

''(a) COLLECTION.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and Federal write-in absentee ballots prescribed under section 103, and for delivering the ballots to the appropriate election officials.

''(b) ENSURING DELIVERY PRIOR TO CLOSING OF POLLS.—

''(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall ensure that any marked absentee ballot for a regularly scheduled general election for Federal office which is collected prior to the deadline described in paragraph (3) is delivered to the appropriate election official in a State prior to the time established by the State for the closing of the polls on the date of the election.

''(2) CONTRACT WITH EXPRESS MAIL PROVIDERS.—

''(A) IN GENERAL.—The Presidential designee shall carry out this section by contract with one or more providers of express mail services.

''(B) SPECIAL RULE FOR VOTERS IN JURISDICTIONS USING POST OFFICE BOXES FOR COLLECTION OF MARKED ABSENTEE BALLOTS.—In the case of an absent uniformed services voter who wishes to use the procedures established under this section and whose marked absentee ballot is required by the appropriate election official to be delivered to a post office box, the Presidential designee shall enter into an agreement with the United States Postal Service for the delivery of the ballot to the election official under the procedures established under this section.

''(3) DEADLINE DESCRIBED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the last Friday that precedes the date of the election.

''(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to ensure timely delivery of the ballot under paragraph (1).

''(4) PROHIBITION ON REFUSAL BY STATES TO ACCEPT MARKED ABSENTEE BALLOTS NOT DELIVERED BY POSTAL SERVICE OR IN PERSON.—A State may not refuse to accept or process any marked absentee ballot delivered under the procedures established under this section on the grounds that the ballot is received by the State other than through delivery by the United States Postal Service.

''(c) TRACKING MECHANISM.—Under the procedures established under this section, the entity responsible for delivering marked absentee ballots to the appropriate election officials shall implement procedures to enable any individual whose ballot for a regularly scheduled general election for Federal office is collected by the Presidential designee to determine whether the ballot has been delivered to the appropriate election official, using the Internet, an automated telephone system, or such other methods as the entity may provide.

''(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term 'absent overseas uniformed services voter' means an overseas voter described in section 107(5)(A).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.

''(f) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each succeeding election for Federal office.''.

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL RESPONSIBILITIES.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.''.

(2) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff—1(a)) is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(6) carry out section 103A(b)(2) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.''.

(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in the regularly scheduled general election for Federal office held in

November 2008 of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a), including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots in regularly scheduled elections for Federal office.

(d) REPORTS ON UTILIZATION OF PROCEDURES.—

(1) REPORTS REQUIRED.—Not later than 180 days after each regularly scheduled general election for Federal office held after January 1, 2008, the Presidential designee shall submit to the congressional defense committees a report on the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A of the Uniformed and Overseas Citizens Absentee Voting Act, as so added, during such general election.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the general election covered by such report, a description of the utilization of the procedures described in that paragraph during such general election, including the number of marked absentee ballots collected and delivered under such procedures.

(e) DEFINITIONS.—In this section:

(1) The term ''absent overseas uniformed services voter'' has the meaning given that term in section 103A(d) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(2) The term ''Presidential designee'' means the official designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).

SA 5330. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. OPPORTUNITY FOR VOTER REGISTRATION OR UPDATE BY MEMBERS OF THE ARMED FORCES DURING PERMANENT CHANGE OF DUTY STATION.

(a) IN GENERAL.—Each Secretary of a military department shall take appropriate actions to ensure that each member of the Armed Forces under the jurisdiction of such Secretary who is undergoing a permanent change of duty station is provided the opportunity, as part of processing upon arrival at the member's new duty station, to register to vote in elections for public office or update the member's existing voter registration.

(b) ASSISTANCE.—In providing a member an opportunity to register or update an existing registration under subsection (a), the Secretary of a military department shall provide the member with the necessary assistance, including the provision of appropriate forms.

SA 5331. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. PROHIBITION ON AVAILABILITY OF FEDERAL FUNDS TO LOCAL EDUCATIONAL AGENCIES THAT PREVENT ACCESS TO JROTC ON CAMPUSES OF SECONDARY SCHOOLS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by inserting after section 983 the following new section:

''§ 983a. Local educational agencies that prevent JROTC access on secondary school campuses

''(a) DENIAL OF FUNDS FOR PREVENTING JROTC ACCESS TO CAMPUS.—No funds described in subsection (c) may be provided by contract, grant, or cooperative agreement to a local educational agency (or any subelement of that agency) if the Secretary of Defense determines that that agency (or any subelement of that agency) has a policy or practice (regardless of whether implemented) that either prohibits, or in effect prevents—

''(1) the Secretary of a military department from maintaining, establishing or operating a unit of the Junior Reserve Officers' Training Corps (in accordance with chapter 102 of this title and other applicable Federal law) at any secondary school served by that agency; or

''(2) a student at any secondary school served by that agency from enrolling in a unit of the Junior Reserve Officers' Training Corps at another secondary school.

''(b) EXCEPTION.—The limitation in subsection (a) shall not apply to any local educational agency (or any subelement of that agency) if the Secretary of Defense determines that the agency (and each secondary school served by that agency) has ceased the policy or practice described in that subsection (a).

''(c) COVERED FUNDS.—The limitation in subsection (a) shall apply to the following:

''(1) Any funds made available to the Department of Defense.

''(2) Any funds made available for any department or agency for which regular appropriations are made in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

''(3) Any funds made available to the Department of Homeland Security.

''(4) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

''(5) Any funds made available for the Department of Transportation.

''(d) NOTICE OF DETERMINATIONS.—Whenever the Secretary of Defense makes a determination under subsection (a) or (b), the Secretary—

''(1) shall transmit a notice of the determination to the Secretary of Education, to the head of each other department or agency the funds of which are subject to the determination, and to Congress; and

''(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the local educational agency (and any subelement of that agency) for contracts and grants.

''(e) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary of Defense shall publish in the Federal Register once every six months a list of each local educational agency that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a).

''(f) DEFINITIONS.—In this section:

''(1) The term 'local educational agency' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(2) The term 'secondary school' has the meaning that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by inserting after the item relating to section 983 the following new item:

''983a. Local educational agencies that prevent JROTC access on secondary school campuses.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to funds available for fiscal years beginning on or after that date.

SA 5332. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 133. REPORT ON FUTURE JET CARRIER TRAINER REQUIREMENTS OF THE NAVY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on future jet carrier trainer requirements. The report shall include a plan to address future jet carrier trainer requirements, which plan shall be based on the following:

(1) Studies conducted by independent organizations concerning future jet carrier trainer requirements.

(2) The results of a cost-benefit analysis comparing the creation of a new jet carrier trainer program with the modification of the current jet carrier trainer program in order to fulfill future jet carrier trainer requirements.

SA 5333. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1083. MEDICAL CARE FOR VETERANS IN FAR SOUTH TEXAS.

(a) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall determine, and notify Congress pursuant to paragraph (2), whether the needs of veterans in Far South Texas for acute inpatient hospital care should be met—

(A) through a project for a public-private venture to provide inpatient services and long-term care to veterans in an existing facility in Far South Texas;

(B) through a project for construction of a new full-service, 50-bed hospital with a 125-bed nursing home in Far South Texas; or

(C) through a sharing agreement with a military treatment facility in Far South Texas.

(2) NOTIFICATION AND PROSPECTUS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report—

(A) identifying which of the three options specified in paragraph (1) has been selected by the Secretary; and

(B) providing, for the option selected, a prospectus that includes, at a minimum, the matter specified in paragraphs (1) through (8) of section 8104(b) of title 38, United States Code, and the project timelines.

(b) PUBLIC-PRIVATE VENTURE FOR MEDICAL CARE FOR VETERANS IN FAR SOUTH TEXAS.—

(1) PROJECT.—If the option selected by the Secretary of Veterans Affairs under subsection (a)(1) is the option specified in subparagraph (A) of such subsection for a project of a public-private venture to provide inpatient and long-term care to veterans at an existing facility in Far South Texas, then the Secretary shall, subject to the availability of appropriations for such purpose, take such steps as necessary to enter into an agreement with an appropriate private-sector entity to provide for inpatient and long-term care services for veterans at an existing facility in one of the counties of Far South Texas. Such an agreement may include provision for construction of a new wing or other addition at such facility to provide additional services that will, under the agreement, be leased by the United States and dedicated to care and treatment of veterans by the Secretary under title 38, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for a public-private venture project under this subsection.

(c) NEW DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, FAR SOUTH TEXAS.—

(1) PROJECT AUTHORIZATION.—If the option selected by the Secretary of Veterans Affairs under subsection (a)(1) is the option specified in subparagraph (B) of such subsection for a project for construction in Far South Texas of a new full-service, 175-bed facility providing inpatient and long-term care services, such facility shall be located in the county in Far South Texas that the Secretary determines most suitable to meet the health care needs of veterans in the region.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Construction, Major Projects, account of the Department of Veterans Affairs, in addition to any other amounts authorized for that account, the amount of $175,000,000 for the project authorized by paragraph (1).

(d) SHARED FACILITY WITH DEPARTMENT OF DEFENSE, FAR SOUTH TEXAS.—

(1) PROJECT AUTHORIZATION.—If the option selected by the Secretary of Veterans Affairs under subsection (a)(1) is the option specified in subparagraph (C) of such subsection for a project of a Department of Veterans Affairs-Department of Defense shared facility to provide inpatient and long-term care to veterans at an existing facility in Far South Texas, then the Secretary shall, subject to the availability of appropriations for such purpose, take such steps as necessary to enter into an agreement with an appropriate military treatment facility to provide for inpatient and long-term care services for veterans at an existing facility in one of the counties of Far South Texas. Such an agreement may include provision for construction of a new wing or other addition at such facility to provide additional services that will, under the agreement, be leased by the United States and dedicated to care and treatment of veterans by the Secretary under title 38, United States Code.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for a Department of Veterans Affairs-Department of Defense venture project under this subsection.

(e) FAR SOUTH TEXAS DEFINED.—In this section, the term ''Far South Texas'' means the following counties of the State of Texas: Aransas, Bee, Brooks, Calhoun, Cameron, Crockett, DeWitt, Dimmit, Duval, Goliad, Hidalgo, Jackson, Jim Hogg, Jim Wells, Kenedy, Kleberg, Nueces, Refugio, San Patricio, Starr, Victoria, Webb, Willacy, and Zapata.

SA 5334. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DESIGNATION OF NATIONAL CENTER FOR HUMAN PERFORMANCE.

(a) IN GENERAL.—The National Center for Human Performance at the Texas Medical Center is hereby designated as a national center for research and education in medicine and related sciences to enhance human performance which could include matters of relevance to the Armed Forces.

(b) CONSTRUCTION.—Nothing in this section shall be construed to convey on such Center status as a center of excellence under the Public Health Service Act or as a center of the National Institutes of Health under title IV of such Act.

SA 5335. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 556. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number or requests for Junior Reserve Officers' Training Corps units by public and private secondary educational institutions; or

(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers' Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees containing, at a minimum, the following:

(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many units will be established per year by each service.

(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) Efforts to improve the increased distribution of units geographically across the United States.

(5) Efforts to increase distribution of units in educationally and economically deprived areas.

(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees not later than March 31, 2009. The Secretary of Defense shall submit an updated report annually thereafter until the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

(f) ADDITIONAL CURRICULUM ELEMENT.—The Secretary of each military department shall develop and implement a segment of the Junior Reserve Officers' Training Corps curriculum that includes the contribution and defense historiography of gender and ethnic specific groups.

SA 5336. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VIII, add the following:

SEC. 854. REPORT ON CONTRACTS FOR MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES FOR MILITARY PERSONNEL SERVING IN COMBAT ZONES.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on current contracts of the Department of Defense for morale, welfare, and recreation telephone services for military personnel serving in combat zones.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of each contract for morale, welfare, and recreation telephone services for military personnel serving in combat zones that was entered into or agreed upon by the Department of Defense after January 28, 2008, and, for each such contract, an assessment of the extent to which the entry into or agreement upon such contract complied with the requirements of section 885 of

the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 265).

(2) A statement of the average cost per minute of telephone service for military personnel serving in combat zones under each contract of the Department of Defense for morale, welfare, and recreation telephone services for such personnel that is in effect as of the date of the enactment of this Act, and a statement of the average amount of such cost that is returned to the contractor under such contract as a return on investment or profit.

SA 5337. Mr. REID (for Mr. BIDEN (for himself, Mr. CASEY, Mr. INHOFE, and Mr. CARPER)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, between lines 13 and 14, insert the following:

SEC. 1083. TRANSFER OF NAVY AIRCRAFT N40VT.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as ''transferee''), all right, title, and interest of the United States, except as set forth elsewhere herein, in and to Navy aircraft N40VT (Bureau Number 163283) and associated components and test equipment, previously specified as Government furnished equipment, specified in contract N00019–00–C–0284. The conveyance shall be made by means of a deed of gift.

(b) CONDITION OF AIRCRAFT.—The aircraft shall be conveyed under subsection (a) in its current, ''as is'' condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance shall be borne by the transferee.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(e) CLARIFICATION OF LIABILITY.—Notwithstanding any other provision of law, upon the conveyance of the Navy aircraft N40VT (Bureau Number 163283) under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from the use of that aircraft by any person other than the United States.

SA 5338. Mr. REID (for Mr. BIDEN (for himself, Mr. KENNEDY, Mrs. MCCASKILL, and Mr. BAYH)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 587. EXCLUSION OF CERTAIN REST AND RECUPERATION LEAVE FROM LIMITATIONS ON LEAVE ACCUMULATED BY MEMBERS OF THE ARMED FORCES.

Section 705 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) Any period of rest and recuperation absence received by a member under subsection (b)(2) shall not be treated as leave accumulated by the member for purposes of section 701 of this title.''.

NOTICE OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, ''Dividend Tax Abuse: How Offshore Entities Dodge Taxes On U.S. Stock Dividends.'' The Subcommittee hearing will examine how some financial institutions have designed, marketed, and implemented transactions to enable foreign taxpayers, including offshore hedge funds, to dodge millions of dollars of taxes on U.S. stock dividends. The hearing will also examine whether current law relating to dividend taxation and withholding should be strengthened. The Subcommittee expects to issue a Subcommittee staff report in conjunction with the hearing summarizing its investigative findings and recommendations. Witnesses will include representatives of U.S. financial institutions, offshore hedge funds, a tax expert, and the Internal Revenue Service.

The Subcommittee hearing is scheduled for Thursday, September 11, 2008, at 9 a.m., in Room 106 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 202–224–9505.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will hold a hearing entitled ''Business Start-up Hurdles in Underserved Communities: Access to Venture Capital and Entrepreneurship Training,'' on Thursday, September 11, 2008 at 10 a.m., in room 428A of the Russell Senate Office Building.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, Thursday, September 11, at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing on (1) S. 3128, the White Mountain Apache Tribe Rural Water System Loan Authorization Act; (2) S. 3355, the Crow Tribe Water Rights Settlement Act of 2008; and (3) S. 3381, a bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, Tesuque, and Taos.

Those wishing additional information may contact the Indian Affairs Committee at, 202–224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, the Senate Committee on Energy and Natural Resources will hold a business meeting on Thursday, September 11, 2008 at 12 noon, in room SD–366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider pending legislation.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

SUBCOMMITTEE ON ENERGY

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Energy Subcommittee of the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, September 16, 2008, at 2:30, in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on recent analyses of the role of speculative investment in energy markets.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Gina weinstock@energy.senate.gov.

For further information, please contact Angela Becker-Dippmann at (202) 224–5269 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 9, 2008, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 9, 2008, at 10 a.m., to conduct a hearing entitled ''Strengthening the Ability of Public Transportation To Reduce Our Dependence on Foreign Oil.''