SA 5415. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5416. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5417. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5418. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5419. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5420. Mr. TESTER (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5421. Mr. REED (for himself and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5422. 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, supra; which was ordered to lie on the table.

SA 5423. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5424. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5425. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5426. Mr. LEVIN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5427. Mrs. BOXER (for Mr. BAUCUS) proposed an amendment to the bill H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance.

SA 5428. 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.

SA 5429. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5430. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5431. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5432. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5433. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5434. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5435. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5436. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5437. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5438. Mr. WEBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5439. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5440. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5441. Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5442. Mrs. MCCASKILL (for herself, Ms. MIKULSKI, and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5443. Mr. HATCH (for himself and Mr. BENNETT) submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5444. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

SA 5445. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 3001, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5339. Mr. ALEXANDER (for himself, Mr. BINGAMAN, Mr. VOINOVICH, Mr. KENNEDY, Ms. MURKOWSKI, Mr. BROWN, Mr. MCCONNELL, Mr. HARKIN, and Mrs. MURRAY) 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 XXXI, add the following:

SECTION 3116. PAYMENT OF COMPENSATION TO SURVIVORS OF DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) SHORT TITLE.—This section may be cited as the ''Energy Employees Occupational Illness Compensation Program Improvement Act of 2008''.

(b) PAYMENT OF COMPENSATION TO SURVIVORS OF DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES.—

(1) IN GENERAL.—Section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–1) is amended to read as follows:

''SEC. 3672. COMPENSATION TO BE PROVIDED.

''Subject to the other provisions of this subtitle:

''(1) CONTRACTOR EMPLOYEES.—

''(A) IN GENERAL.—A covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3673.

''(B) COMPENSATION AFTER DEATH OF CONTRACTOR EMPLOYEE.—

''(i) IN GENERAL.—Except as provided in paragraph (2)(B), if the death of a contractor employee occurs after the employee applies for compensation under this subtitle but before such compensation is paid, the amount of compensation described in clause (ii) shall be paid to a survivor of the employee (for purposes of section 3674) or, if the employee has no such survivors, to the surviving family members of the employee in accordance with the procedures set forth in section 3628(e)(1).

''(ii) AMOUNT OF COMPENSATION.—The amount of compensation described in this clause is the amount of compensation the contractor employee would have received pursuant to section 3673(a), except that if the Secretary cannot determine the minimum impairment rating of the employee under paragraph (1) of such section as a result of the death of the employee, such compensation shall not include compensation pursuant to such paragraph.

''(2) SURVIVORS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) or paragraph (1)(B), a survivor of a covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3674.

''(B) ELECTION OF CONTRACTOR EMPLOYEE COMPENSATION OR SURVIVOR COMPENSATION.—A survivor who is otherwise eligible to receive compensation pursuant to both subparagraph (A) and paragraph (1)(B) shall not receive compensation pursuant to both subparagraph (A) and paragraph (1)(B), but shall receive compensation pursuant to subparagraph (A) or paragraph (1)(B), as elected by the survivor.

''(C) COMPENSATION AFTER DEATH OF SURVIVOR.—If the death of a survivor occurs after the survivor applies for compensation under this subtitle but before such compensation is paid and, in the case of compensation pursuant to paragraph (1)(B), there are no other survivors of the employee (for purposes of section 3674), the amount of compensation the survivor would have received under this section shall be paid to the surviving family members of the employee in accordance with the procedures set forth in section 3628(e)(1).''.

(2) APPLICABILITY.—The provisions of section 3672 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–1), as amended by paragraph (1), shall apply to applications for compensation under subtitle E of such Act filed before, on, or after the date of the enactment of this Act.

SA 5340. Mr. LUGAR (for himself, Mr. BIDEN, Mr. DURBIN, and 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 title XII, add the following:

Subtitle E—Reconstruction and Stabilization Civilian Management

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Reconstruction and Stabilization Civilian Management Act of 2008''.

SEC. 1242. FINDINGS.

(a) FINDINGS.—Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the ''Coordinator'') was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator's mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary's direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator's assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

(5) The President's Fiscal Year 2009 Budget Request to Congress includes, as part of the request for the Department of State and Other International Programs, $248,600,000 for a Civilian Stabilization Initiative that would vastly improve civilian partnership with the Armed Forces in post-conflict stabilization situations, including by establishing an Active Response Corps of 250 persons, a Standby Response Corps of 2000 persons, and a Civilian Response Corps of 2000 persons.

SEC. 1243. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term ''agency'' means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this subtitle, the term ''Department'' means the Department of State.

(5) PERSONNEL.—The term ''personnel'' means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of State.

SEC. 1244. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

''SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.

''(a) ASSISTANCE.—

''(1) IN GENERAL.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to respond to the crisis using funds referred to in paragraph (2).

''(2) FUNDS.—The funds referred to in this paragraph are funds as follows:

''(A) Funds made available under this section.

''(B) Funds made available under other provisions of this Act and transferred or reprogrammed for purposes of this section.

''(b) SPECIAL AUTHORITIES.—In furtherance of a determination made under subsection (a), the President may exercise the authorities contained in sections 552(c)(2) and 610 without regard to the percentage and aggregate dollar limitations contained in such sections.''.

SEC. 1245. RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

''SEC. 62. RECONSTRUCTION AND STABILIZATION.

''(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

''(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

''(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

''(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

''(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the reconstruction and stabilization of a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

''(B) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the non-military resources and capabilities of agencies (as such term is defined in section 1243 of the Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

''(C) Planning, in conjunction with USAID, to address requirements, such as demobilization, disarmament, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

''(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

''(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

''(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

''(G) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

''(H) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication.

''(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

''(b) RESPONSE READINESS CORPS.—

''(1) RESPONSE READINESS CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish and maintain a Response Readiness Corps (referred to in this section as the 'Corps') to provide assistance in support of reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of the active component) to provide such assistance when deployed to do so by the Secretary to support the purposes of this Act.

''(2) CIVILIAN RESERVE CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to employ and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps pursuant to a determination by the President under section 618 of the Foreign Assistance Act of 1961.

''(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively

impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

''(c) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.''.

SEC. 1246. AUTHORITIES RELATED TO PERSONNEL.

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1245 of this Act), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) AUTHORITY REGARDING DETAILS.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this subtitle, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 1245 of this Act.

SEC. 1247. RECONSTRUCTION AND STABILIZATION STRATEGY.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

SEC. 1248. ANNUAL REPORTS TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act and annually for each of the five years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this subtitle. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Reserve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1245 of this Act).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has had on the capacity and readiness of any domestic agencies or State and local governments from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 1247 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1956, including measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

SA 5341. Ms. KLOBUCHAR 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 G of title X, add the following:

SEC. 1083. PILOT PROGRAM ON PROVISION OF MOBILE CARE AND SERVICES TO VETERANS LIVING IN RURAL AREAS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Veterans Affairs shall carry out a program to assess the feasibility and advisability of providing care and services described in subsection (d) to veterans residing in rural areas through the mobile centers described in subsection (e).

(b) GENERAL ADMINISTRATION.—

(1) PRINCIPAL RESPONSIBILITY.—The Secretary shall carry out the pilot program through the Director of the Office of Rural Health of the Department of Veterans Affairs.

(2) CONSULTATION.—The pilot program shall be developed and carried out in consultation with the following:

(A) The Regional Director of Veterans Integrated Services Network (VISN) 23, in which mobile Department of Veterans Affairs clinics are currently in operation.

(B) The Director of the Office of Rural Health Policy of the Department of Health and Human Services.

(C) The agencies or offices for rural health in the States selected for participation in the pilot program.

(D) The country or local agencies or offices for rural health in the areas designated for the pilot program.

(c) LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out in not less than three Veterans Integrated Services Networks selected by the Secretary for the purposes of the pilot program.

(2) RURAL AREAS WITHIN VISNS.—The pilot program shall be carried out in one or more rural areas in each Veterans Integrated Services Network selected under paragraph (1) that are designated by the Secretary for purposes of the pilot program in consultation with the Regional Director of such Veterans Integrated Services Network. In designating such areas, the Secretary shall take into account—

(A) the number of veterans residing in or near an area;

(B) the proximity of the nearest Department of Veterans Affairs medical facility; and

(C) the difficulty of access of such veterans to the nearest Department of Veterans Affairs medical facility, whether by reason of travel or other factors.

(d) CARE AND SERVICES PROVIDED.—The care and services provided under the pilot program may include, but not be limited to, care and services as follows:

(1) Counseling and education for veterans on accessing such health care, educational, pension, or other benefits for which veterans may be eligible under the laws administered by the Secretary of Veterans Affairs.

(2) Assistance for veterans in completing paperwork necessary for enrollment in the healthcare system of the Department of Veterans Affairs.

(3) The prescription for and delivery to veterans of medications for which veterans are entitled under such laws, including, in particular, medications for veterans suffering from acute or chronic injuries or illnesses.

(4) Mental health screenings for veterans to identify potential mental health disorders such as post-traumatic stress disorder (PTSD) or a substance abuse, including, in particular, for veterans recently discharged or released after service overseas in Operation Iraqi Freedom or Operation Enduring Freedom.

(5) Job placement assistance and information on employment or training opportunities for veterans.

(6) Substance abuse counseling for veterans.

(7) Bereavement counseling for families of members of the Armed Forces who were killed in military service.

(8) Such other care, services, and assistance as the Secretary considers appropriate for purposes of the pilot program.

(e) MOBILE CENTERS.—

(1) IN GENERAL.—Care and services under the pilot program shall be provided through mobile centers established for purposes of the pilot program that meets the requirements of this subsection.

(2) MOBILE CENTERS.—In carrying out the pilot program, the Secretary shall determine the most effective manner in which to operate the mobile centers.

(3) PERSONNEL AND MATERIALS.—In providing care and services under the pilot program, the mobile centers shall transport such personnel, equipment, forms, information, and other materiel as are necessary for the provision of care and services under the pilot program.

(f) COORDINATION REQUIREMENTS.—

(1) IDENTIFICATION OF VETERANS NOT ENROLLED IN VA HEALTH CARE SYSTEM.—In carrying out the pilot program, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly undertake action to identify veterans residing in areas designated for the pilot program who are not enrolled in, or otherwise being cared for by, the health care system of the Department of Veterans Affairs.

(2) COORDINATION WITH COUNTY AND LOCAL VETERANS SERVICE OFFICES.—In carrying out the pilot program, the Secretary of Veterans Affairs shall coordinate with county and local veterans service officers in areas designated for the pilot program.

(3) UTILIZATION OF COMMUNITY-BASED OUTPATIENT CLINICS.—The program shall, to the

extent practicable, utilize appropriate personnel and resources of community-based outpatient clinics of the Department of Veterans Affairs in areas designated for the pilot program, including the inclusion of such personnel in visits of the mobile centers under subsection (e).

(g) TERMINATION.—The authority to carry out a pilot program under this section shall terminate on the date that is three years after the date of the enactment of this section.

(h) REPORTS.—Not later than one year after the commencement of the pilot program, and every 180 days thereafter, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the pilot program. Each report shall include the following:

(1) A description and assessment of the pilot program.

(2) An assessment, current as of the date of such report, of the effectiveness of the pilot program in providing care and services to veterans residing in rural areas, including a comparative assessment of effectiveness for each of the various areas designated for the pilot program.

(3) An assessment, current as of the date of such report, of the effectiveness of the coordination described in subsection (f) in contributing toward the effectiveness of the pilot program.

(4) Such recommendations as the Secretary considers appropriate for modifications of the pilot program in order to better provide care and services to veterans residing in rural areas.

SA 5342. Ms. KLOBUCHAR 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 B of title VII, add the following:

SEC. 714. FULL ACCESS TO MENTAL HEALTH CARE FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall undertake an initiative intended to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The initiative shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Requirements for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) MENTAL HEALTH CARE UNDER TRICARE.—

(1) IN GENERAL.—Under such regulations as the Secretary of Defense shall prescribe, reimbursement shall be provided under the TRICARE program under chapter 55 of title 10, United States Code, for mental health care that is provided to a family member of a covered member of the National Guard or Reserve during the period of deployment of such covered member of the National Guard or Reserve as described in paragraph (2).

(2) COVERED MEMBERS OF THE NATIONAL GUARD OR RESERVE.—For purposes of this subsection, a covered member of the National Guard or Reserve is any member of the National Guard or Reserve on active duty for more than 30 days for a deployment in connection with Operation Iraqi Freedom, Operation Enduring Freedom, or other operation that requires deployment overseas who, while so on active duty, is covered by the TRICARE program on a for self and family basis.

(3) EFFECTIVE DATE.—This subsection shall take effect on January 1, 2009.

(c) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed at State-accredited treatment centers.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed during the mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

SA 5343. Mrs. CLINTON 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. INTEGRITY AND BUSINESS ETHICS REQUIREMENTS FOR FEDERAL CONTRACTORS.

(a) DEFENSE CONTRACTORS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2305a the following new section:

"§ 2305b. Satisfactory record of integrity and business ethics

''(a) IN GENERAL.—No prospective contractor may be awarded a contract with an agency under this title unless the contracting officer for the contract determines that such prospective contractor has a satisfactory record of integrity and business ethics, including satisfactory compliance with the law (including tax, labor and employment, environmental, antitrust, and consumer protection laws).

''(b) INFORMATION TO BE CONSIDERED.—In making a determination as to whether a prospective contractor has a satisfactory record of integrity and business ethics, a contracting officer—

''(1) shall consider all relevant credible information, but shall give the greatest weight to violations of law that have been adjudicated within the last 5 years preceding the offer;

''(2) shall give consideration to any administrative agreements entered into with the prospective contractor if the prospective contractor has taken corrective action after disclosing a violation of law, and may consider such a contractor to be a responsible contractor if the contractor has corrected the conditions that led to the misconduct;

''(3) shall consider failure to comply with the terms of an administrative agreement as evidence of a lack of integrity and business ethics under this section;

''(4) shall consider in descending order of importance—

''(A) convictions of and civil judgments rendered against the prospective contractor for—

''(i) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public Federal, State, or local contract or subcontract;

''(ii) violation of Federal or State antitrust law relating to the submission of offers; or

''(iii) commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statement, tax evasion, or receiving stolen property; and

''(B) relative to tax, labor and employment, environmental, antitrust, or consumer protection laws—

''(i) Federal or State felony convictions;

''(ii) adverse Federal court judgments in civil cases brought by the United States;

''(iii) adverse decisions by a Federal administrative law judge, board, or commission indicating violations of law;

''(iv) Federal or State felony indictments; and

''(v) any other civil judgment rendered against the prospective contractor; and

''(5) may consider other relevant information, such as civil or administrative complaints or similar actions filed by or on behalf of a Federal agency, board, or commission, if such action reflects an adjudicated determination by the agency.

''(c) REPEATED VIOLATIONS OF LAW.—A single violation of law normally should not give rise to a determination that the prospective contractor has an unsatisfactory record of integrity and business ethics, but evidence of repeated, pervasive, or significant violations of the law may indicate an unsatisfactory record of integrity and business ethics.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2305a the following new item:

''2305b. Satisfactory record of integrity and business ethics.''.

(b) CIVILIAN CONTRACTORS.—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303M the following new section:

"SEC. 303N. SATISFACTORY RECORD OF INTEGRITY AND BUSINESS ETHICS.

''(a) IN GENERAL.—No prospective contractor may be awarded a contract with an executive agency unless the contracting officer for the contract determines that such prospective contractor has a satisfactory record of integrity and business ethics, including satisfactory compliance with the law

(including tax, labor and employment, environmental, antitrust, and consumer protection laws).

''(b) INFORMATION TO BE CONSIDERED.—In making a determination as to whether a prospective contractor has a satisfactory record of integrity and business ethics, a contracting officer—

''(1) shall consider all relevant credible information, but shall give the greatest weight to violations of law that have been adjudicated within the last 5 years preceding the offer;

''(2) shall give consideration to any administrative agreements entered into with the prospective contractor if the prospective contractor has taken corrective action after disclosing a violation of law, and may consider such a contractor to be a responsible contractor if the contractor has corrected the conditions that led to the misconduct;

''(3) shall consider failure to comply with the terms of an administrative agreement as evidence of a lack of integrity and business ethics under this section;

''(4) shall consider in descending order of importance—

''(A) convictions of and civil judgments rendered against the prospective contractor for—

''(i) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public Federal, State, or local contract or subcontract;

''(ii) violation of Federal or State antitrust law relating to the submission of offers; or

''(iii) commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statement, tax evasion, or receiving stolen property; and

''(B) relative to tax, labor and employment, environmental, antitrust, or consumer protection laws—

''(i) Federal or State felony convictions;

''(ii) adverse Federal court judgments in civil cases brought by the United States;

''(iii) adverse decisions by a Federal administrative law judge, board, or commission indicating violations of law; and

''(iv) Federal or State felony indictments; and

''(5) may consider other relevant information, such as civil or administrative complaints or similar actions filed by or on behalf of an executive agency, board, or commission, if such action reflects an adjudicated determination by the agency.

''(c) REPEATED VIOLATIONS OF LAW.—A single violation of law normally should not give rise to a determination that the prospective contractor has an unsatisfactory record of integrity and business ethics, but evidence of repeated, pervasive, or significant violations of the law may indicate an unsatisfactory record of integrity and business ethics.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to contracts for which solicitations are issued after the date of the enactment of this Act.

SA 5344. Mrs. CLINTON 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 G of title X, add the following:

SEC. 1083. SENSE OF THE SENATE.

(a) IN GENERAL.—It is the sense of the Senate that the United States Government should not award any Federal contracts, grants, or loans to any offshore secrecy jurisdiction company.

(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) CONTRACT.—

(A) IN GENERAL.—The term ''contract'' means a binding agreement entered into by an Executive agency for the purpose of obtaining property or services, but does not include—

(i) a contract designated by the head of the agency as assisting the agency in the performance of disaster relief authorities; or

(ii) a contract designated by the head of the agency as necessary to the national security of the United States.

(B) EXECUTIVE AGENCY.—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) OFFSHORE SECRECY JURISDICTION COMPANY.—

(A) IN GENERAL.—The term ''offshore secrecy jurisdiction company'' means any person which the Commissioner of Internal Revenue determines that for the purpose of avoiding Federal tax obligations—

(i) is organized in an offshore secrecy jurisdiction; or

(ii) is a member of a domestically controlled group of entities any member of which is organized in an offshore secrecy jurisdiction.

(B) OFFSHORE SECRECY JURISDICTION.—

(i) IN GENERAL.—The term ''offshore secrecy jurisdiction'' means any foreign jurisdiction which is listed by the Secretary as an offshore secrecy jurisdiction for purposes of this section.

(ii) DETERMINATION OF JURISDICTIONS ON LIST.—A jurisdiction shall be listed under clause (i) if the Secretary determines that such jurisdiction has corporate, business, bank, or tax secrecy rules and practices which, in the judgment of the Secretary, unreasonably restrict the ability of the United States to obtain information relevant to the enforcement of the Internal Revenue Code of 1986, unless the Secretary also determines that such country has effective information exchange practices.

(iii) SECRECY OR CONFIDENTIALITY RULES AND PRACTICES.—For purposes of clause (ii), corporate, business, bank, or tax secrecy or confidentiality rules and practices include both formal laws and regulations and informal government or business practices having the effect of inhibiting access of law enforcement and tax administration authorities to beneficial ownership and other financial information.

(iv) INEFFECTIVE INFORMATION EXCHANGE PRACTICES.—For purposes of clause (ii), a jurisdiction shall be deemed to have ineffective information exchange practices unless the Secretary determines, on an annual basis, that—

(I) such jurisdiction has in effect a treaty or other information exchange agreement with the United States that provides for the prompt, obligatory, and automatic exchange of such information as is forseeably relevant for carrying out the provisions of the treaty or agreement or the administration or enforcement of such Code,

(II) during the 12-month period preceding the annual determination, the exchange of information between the United States and such jurisdiction was in practice adequate to prevent evasion or avoidance of United States income tax by United States persons and to enable the United States effectively to enforce such Code, and

(III) during the 12-month period preceding the annual determination, such jurisdiction was not identified by an intergovernmental group or organization of which the United States is a member as uncooperative with international tax enforcement or information exchange and the United States concurs in such identification.

(C) DOMESTICALLY CONTROLLED GROUP OF ENTITIES.—

(i) IN GENERAL.—The term ''domestically controlled group of entities'' means a controlled group of entities the common parent of which is a domestic corporation.

(ii) CONTROLLED GROUP OF ENTITIES.—The term ''controlled group of entities'' means a controlled group of corporations as defined in section 1563(a)(1) of the Internal Revenue Code of 1986, except that—

(I) ''more than 50 percent'' shall be substituted for ''at least 80 percent'' each place it appears therein, and

(II) the determination shall be made without regard to subsections (a)(4) and (b)(2) of section 1563 of such Code.

A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3) of such Code) by members of such group (including any entity treated as a member of such group by reason of this sentence).

(D) PERSON.—The term ''person'' means—

(i) a corporation; or

(ii) a partnership or any other entity (other than a corporation).

(E) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

SA 5345. Mrs. CLINTON 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. AWARD FEES.

(a) LINKAGE OF AWARD FEES TO SUCCESSFUL ACQUISITION OUTCOMES.—Every contract entered into by an executive agency that provides for award fees shall link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

(b) PROHIBITION ON AWARD OF UNWARRANTED AWARD FEES.—The head of an executive agency may not—

(1) award a bonus or other incentive payment to a contractor for work the contractor did not perform or with respect to which the contractor received a poor performance rating; or

(2) provide to a contractor award fees unless the contractor, to the extent reasonably within the control of the contractor, achieved the successful acquisition outcome to which such fees were linked under the contract.

SA 5346. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, and Mr. LEAHY) 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 title XVI, add the following:

SEC. 1617. MORATORIUM ON THE DEPLOYMENT OF THE UNITED STATES ARMED FORCES TO IRAQ.

(a) MORATORIUM.—Effective as of the date of the enactment of this Act, no member or unit of the Armed Forces may be deployed to Iraq before March 31, 2009.

(b) LIMITATION AND REQUIREMENT.—The Secretary of Defense shall—

(1) not extend the deployment to Iraq of any unit or member of the Armed Forces that is deployed to Iraq as of the date of the enactment of this Act; and

(2) take all necessary and appropriate measures to protect United States personnel in Iraq.

(c) EXCEPTION.—A member of the Armed Forces may be deployed to Iraq for the purpose of providing services to United States personnel in Iraq without regard to the moratorium in subsection (a) or the limitation in subsection (b)(1) if the Secretary of Defense certifies to Congress that the member—

(1) has an essential, specialized, noncombat skill (such as a medical, linguistic, or explosive ordnance removal skill); and

(2) will replace in Iraq a member with such skill who is returning from Iraq.

SA 5347. Mr. FEINGOLD (for himself, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LEAHY, and Mr. WYDEN) 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 X, add the following:

SEC. 1041. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds authorized to be appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) EXCEPTION FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 5348. Mrs. BOXER 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 V, add the following:

SEC. 546. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

Section 8003(a)(2)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i)) is amended by striking ''6,500'' and inserting ''5,000''.

SA 5349. Mrs. BOXER 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 G of title V, add the following:

SEC. 587. ELECTRONIC DATABASE OF INFORMATION ON THE INCIDENCE OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.

(a) DATABASE REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Assistant Secretary of Defense for Health Affairs and in coordination with the Secretaries of the military departments, establish and maintain an electronic database on the incidence of suicide and attempted suicide among members of the Armed Forces on active duty, including the information specified in subsection (c).

(b) COVERAGE OF DEMOBILIZED MEMBERS OF RESERVE COMPONENTS.—To the extent practicable, the members of the Armed Forces covered by the database required under subsection (a) shall include members of the National Guard and Reserve who are demobilized from active duty during the 720-day period beginning on the date of their demobilization.

(c) INFORMATION.—The information to be included in the database required by subsection (a) shall include, to the extent practicable, the following:

(1) For each Armed Force—

(A) the number of members on active duty who have attempted suicide; and

(B) the number of members on active duty who have committed suicide.

(2) For each member who commits or attempts suicide, the following:

(A) The sex of the member.

(B) The race or ethnicity of the member.

(C) The Armed Force of the member.

(D) The grade, military occupational specialty, duty status, and duty location of the member at the time of the completion or attempt.

(E) The physical location of the member at the time of the completion or attempt.

(F) A description of any combat experience of the member, including the location of such experience, the intensity and duration of such experience, and the time between the last such experience and the attempt.

(G) The highest level of education achieved by the member.

(H) Any mental health condition, including Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), or substance use disorder, diagnosed or otherwise detected in the member.

(I) A description of any previous psychological care or treatment received by the member for a condition under subparagraph (H) or another mental health condition.

(J) A description of any family history of the member of mental illness, suicide, or both.

(K) A description of any physical or sexual abuse suffered by the member.

(L) A description of any recent marital or other relationship difficulties of the member.

(M) A description of any recent disciplinary actions taken against the member.

(N) A description of any recent legal difficulties of the member.

(O) A description of any recent financial or employment difficulties of the member.

(P) A description of any prior communications of suicidal intent by the member.

(3) Such other information as the Secretary considers appropriate for purposes of the database.

(d) SEPARATE INFORMATION ON EACH ATTEMPT.—Each attempted suicide of a member of the Armed Forces (whether or not completed) shall be treated as a separate attempt at suicide for purposes of subsection (c)(2).

(e) UPDATES.—The database required by subsection (a) shall be updated on a continuing basis.

(f) REPORTS.—

(1) REPORTS TO CONGRESS.—Not later than 90 days after the establishment of the database required by subsection (a), and every 180 days thereafter, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the following:

(A) Aggregated data on the incidence of suicide among members of the Armed Forces on active duty.

(B) An assessment of recent trends in suicides and attempted suicides among members of the Armed Forces on active duty.

(2) AVAILABILITY TO PUBLIC.—Each report under paragraph (1) shall be made available to the public through the Internet website of the Assistant Secretary of Defense for Health Affairs that is available to the public.

(3) PROTECTION OF PERSONAL INFORMATION.—The information in any report under paragraph (1) shall not include any personal information or personally-identifying information on any member of the Armed Forces covered by the database.

(g) CONSTRUCTION WITH OTHER REQUIREMENTS.—The requirements of this section are in addition to the requirements of section 581.

SA 5350. Mrs. BOXER 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 B of title VII, add the following:

SEC. 714. REDUCTION OF MINIMUM DISTANCE OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES FOR TRAVEL FOR SPECIALTY HEALTH CARE.

(a) REDUCTION.—Section 1074i(a) of title 10, United States Code, is amended by striking ''100 miles'' and inserting ''50 miles''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to referrals for specialty health care made on or after that date.

SA 5351. Mr. AKAKA (for himself and Mr. VOINOVICH) 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 303, between lines 3 and 4, insert the following:

SEC. 1056. REPORTS ON INFORMATION TECHNOLOGY STRATEGY AND SECURITY CLEARANCE REVIEW PROCESSES.

(a) REPORT ON INFORMATION TECHNOLOGY STRATEGY.—

(1) REQUIREMENT FOR REPORT.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report describing the plans to provide security reform by carrying out the Enterprise Information Technology Strategy referred to in the Initial Report of the Joint Security and Suitability Reform Team, dated April 30, 2008.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of any efforts of the Department of Defense, the Office of Personnel Management, or the Office of the Director of National Intelligence to carry out the plans referred to in paragraph (1), including such efforts carried out with other agencies or departments;

(B) a description of any of the plans referred to in paragraph (1) that will not be carried out and a description of the reasons that such plans will not be carried out;

(C) the plans of each such Department or Office to develop, implement, fund, and provide personnel to carry out the plans referred to in paragraph (1); and

(D) a description of the schedule for carrying out the plans referred to in paragraph (1).

(b) REPORTS ON SECURITY CLEARANCE REVIEW PROCESSES.—Paragraph (2) of section 3001(h) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(h)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by striking subparagraph (A) and inserting the following:

''(A) a description of the average period of time required by each authorized investigative agency and authorized adjudicative agency to respond to a request for a security clearance for an individual, including the average period required to conduct a security clearance investigation, adjudicate such a request, and make a final determination on such a request, from date of submission to ultimate disposition and notification to the subject and the subject's employer, dissagregated by—

''(i) the type of security clearance, including Secret, Top Secret, and Top Secret with Special Access Program access including sensitive compartmented information;

''(ii) the period of time required for the investigation of an individual seeking the security clearance and for the adjudication of the request; and

''(iii) the proposed recipients of security clearances, including civilian employees of the United States, members of the Armed Forces, and contractors working for the Government of the United States;

''(B) a description of the average period of time required by each authorized investigative agency and each authorized adjudicative agency to conduct an investigation for a suitability determination from successful submission of an application to ultimate disposition and notification to the subject, dissagregated by—

''(i) the type of suitability determination, including suitability for Federal employment, access to Federal facilities, and access to Federal information systems;

''(ii) the period of time required for the investigation of an individual seeking the suitability determination and the adjudication of the request; and

''(iii) the category of employment of the individual for which the suitability determination was made, including civilian employees of the United States and contractors working for the Government of the United States;''.

SA 5352. Mr. LEVIN (for himself and Mr. MCCAIN) 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 241, beginning on line 2, strike ''and'' and all that follows through the period at the end of line 6 and insert the following:

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Deputy Chief Management Officer of the Department of Defense.''; and

(3) by striking paragraph (7), as redesignated by paragraph (1), and inserting the following new paragraph:

''(7) The Chief Management Officers of the military departments and the heads of such Defense Agencies as may be designated by the Secretary of Defense.''.

SA 5353. Mr. LEVIN (for himself, Mr. MCCAIN, and Mr. AKAKA) 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. DIRECTOR OF INDEPENDENT COST ASSESSMENT.

(a) DIRECTOR OF INDEPENDENT COST ASSESSMENT.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139a the following new section:

''§ 139b. Director of Independent Cost Assessment

''(a) There is a Director of Independent Cost Assessment in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the Director. The Director may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

''(b) The Director is the principal advisor to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Under Secretary of Defense (Comptroller) on cost estimation and cost analyses for the acquisition programs of the Department of Defense and the principal cost estimation official within the senior management of the Department of Defense. The Director shall—

''(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

''(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the Secretaries of the military departments with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense acquisition program under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

''(3) monitor and review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs;

''(4) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs when necessary to ensure that such estimates and analyses are unbiased, fair, and reliable; and

''(5) review and make recommendations to the Secretary of Defense on all budgetary and financial matters relating to cost estimation and cost analysis for the acquisition programs of the Department of Defense, including the personnel required to perform such estimates and analyses.

''(c)(1) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

''(2) The Director shall consult closely with, but the Director and the Director's staff shall be independent of, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and all other officers and entities of the Department of Defense responsible for acquisition and budgeting.

''(d)(1) The Secretary of a military department shall report promptly to the Director the results of all cost estimates and cost analyses conducted by the military department and all studies conducted by the military department in connection with cost estimates and cost analyses for major defense acquisition programs of the military department.

''(2) The Director may make comments on cost estimates and cost analyses conducted by a military department for a major defense

acquisition program, request changes in such cost estimates and cost analyses to ensure that they are fair and reliable, and develop or require the development of independent cost estimates or cost analyses for such program, as the Director determines to be appropriate.

''(3) The Director shall have access to any records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the Director's duties under this section.

''(e) The Director shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year. Each such report shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and Congress not later than 10 days after the transmission of the budget for the next fiscal year under section 1105 of title 31. The Secretary may comment on any report of the Director to Congress under this subsection.

''(f) The President shall include in the budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the Director of Independent Cost Assessment in carrying out the duties and responsibilities of the Director under this section.

''(g) The Secretary of Defense shall ensure that the Director has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139a the following new item:

''139b. Director of Independent Cost Assessment.''.

(b) TRANSFER OF CERTAIN PERSONNEL AND FUNCTIONS.—The personnel and functions of the following entities of the Department of Defense are hereby transferred to the Director of Independent Cost Assessment under section 139b of title 10, United States Code (as added by subsection (a)), and shall report directly to the Director:

(1) The Cost Analysis Improvement Group.

(2) The cost estimation functions of the Director of Program Analysis and Evaluation.

(c) CONFORMING AMENDMENTS.—

(1) Section 2306b(i)(1)(B) of title 10, United States Code, is amended by striking ''Cost Analysis Improvement Group of the Department of Defense'' and inserting ''Director of Independent Cost Assessment''.

(2) Section 2366a(a)(1)(C) of such title is amended by striking ''have been developed to execute'' and inserting ''have been approved by the Director of Independent Cost Assessment to provide for the execution of''.

(3) Section 2366b(a)(4) of such title is amended by striking ''has been submitted'' and inserting ''has been approved by the Director of Independent Cost Assessment''.

(4) Section 2433(e)(2)(B)(iii) of such title is amended by striking ''are reasonable'' and inserting ''have been determined by the Director of Independent Cost Assessment to be reasonable''.

(5) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

''(A) be prepared or approved by the Director of Independent Cost Assessment; and''.

(6) Section 2445c(f)(3) of such title is amended by striking ''are reasonable'' and inserting ''have been determined by the Director of Independent Cost Assessment to be reasonable''.

SA 5354. Mr. BURR (for himself, Mrs. CLINTON, Mr. ALEXANDER, Mr. INHOFE, Mr. WICKER, and Mr. ISAKSON) 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. ACCEPTANCE BY COMMANDERS OF WOUNDED WARRIOR BATTALIONS OF CHARITABLE GIFTS ON BEHALF OF WOUNDED MEMBERS OF THE ARMED FORCES ASSIGNED TO SUCH BATTALIONS.

(a) IN GENERAL.—Section 2601(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) Under regulations prescribed by the Secretary of Defense, the commander in grade O–5 or higher of a unit comprised exclusively of members of the armed forces described in paragraph (1)(B) (as determined without taking into account members of such unit performing command or administrative duties with respect to such unit) may accept, hold, administer, and spend gifts, devises, or bequests of personal property, money, or services for the benefit of the members of the armed forces described in paragraph (1)(B) which comprise such unit.

''(B)(i) Except as provided in clause (ii), the amount of any gift, devise, or bequest accepted by the commander of a unit under subparagraph (A) may not exceed $100,000.

''(ii) The amount a gift, devise, or bequest accepted by the commander of a unit under subparagraph (A) may exceed $100,000 under such circumstances, if any, as the Secretary of Defense may specify in the regulations prescribed under this paragraph.''.

(b) REPORT ON UTILIZATION OF AUTHORITIES.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the utilization of the authorities provided in paragraph (2) of section 2601(b) of title 10, United States Code (as amended by subsection (a)). The report shall include the following:

(1) A description of the authorities in paragraph (2) of section 2601(b) of title 10, United States Code (as so amended), including a description of any limitations on such authorities under the regulations required by that paragraph.

(2) A description of the gifts, devises, and bequests accepted under such authorities, and of the administration and use of any gifts, devises, and bequests so accepted.

(3) An assessment of the utility of such authorities in assisting commanders of wounded warrior battalions in carrying out the mission of such battalions with respect to members of the Armed Forces assigned to such battalions.

SA 5355. Mr. GRAHAM (for himself and Mr. LIEBERMAN) 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 X, add the following:

SEC. 1041. HABEAS CORPUS REVIEW FOR CERTAIN ENEMY COMBATANTS.

(a) SHORT TITLE.—This section may be cited as the ''Enemy Combatant Detention Review Act of 2008''.

(b) IN GENERAL.—Chapter 153 of title 28, United States Code, is amended by striking section 2256, as added by section 250 of the Act of November 6, 1978 (Public Law 95–598; 92 Stat. 2672), and inserting the following:

''§ 2256. Habeas corpus review for certain enemy combatants

''(a) DEFINITIONS.—In this section—

''(1) the term 'attorney for the Government' means the attorney representing the United States in a habeas corpus proceeding under this section;

''(2) the term 'covered individual' means an individual who—

''(A) has been determined by a Combatant Status Review Tribunal to be an enemy combatant (pursuant to the definition employed by that tribunal) or is awaiting the determination of such a tribunal;

''(B) is in the custody of the United States at Guantanamo Bay, Cuba on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008; and

''(C) is not a citizen of the United States or an alien admitted for permanent residence in the United States; and

''(3) the term 'enemy combatant' means a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its cobelligerents on behalf of the Taliban, al Qaeda, or associated forces.

''(b) STATEMENT OF AUTHORITY.—

''(1) IN GENERAL.—Congress reaffirms that the United States is in an armed conflict with al Qaeda, the Taliban, and associated forces and that those entities continue to pose a threat to the United States and its citizens, both domestically and abroad.

''(2) AUTHORITY.—Congress reaffirms that the President is authorized to detain enemy combatants in connection with the continuing armed conflict with al Qaeda, the Taliban, and associated forces, regardless of the place of capture, until the termination of hostilities.

''(3) RULE OF CONSTRUCTION.—The authority under this section shall not be construed to alter or limit the authority of the President under the Constitution of the United States to detain combatants in the continuing armed conflict with al Qaeda, the Taliban, and associated forces, or in any other armed conflict.

''(c) JURISDICTION AND VENUE.—

''(1) IN GENERAL.—The United States District Court for the District of Columbia (in this section referred to as the 'District Court') shall have exclusive jurisdiction of, and shall be the exclusive venue for consideration of, all applications for habeas corpus by or on behalf of any covered individual that is pending on or filed on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008.

''(2) SCOPE OF JURISDICTION.—An application for habeas corpus filed under paragraph (1) by or on behalf of a covered individual—

''(A) may challenge the legality of the continued detention of the covered individual; and

''(B) may not include any other claim relating to the detention, transfer, treatment,

trial, or conditions of confinement of the covered individual or any other action against the United States or its agents.

''(3) CONSOLIDATED MOTIONS PRACTICE.—All applications for a writ of habeas corpus by or on behalf of a covered individual that are pending on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008 shall be consolidated before the Chief Judge of the District Court or a designee of the Chief Judge for consolidated proceedings and determinations on common questions of fact or law, including questions concerning the procedures to be conducted on the applications.

''(4) TRANSFER.—Consistent with section 1403(a) of this title, any court of the United States shall transfer a case within the exclusive jurisdiction of the District Court.

''(d) PROCEDURES.—

''(1) STATUS OF COVERED INDIVIDUAL.—

''(A) IN GENERAL.—In a proceeding instituted by an application for habeas corpus by or on behalf of a covered individual under subsection (c)(1), the burden shall be on the Government to submit a return in the form of a written declaration describing the factual basis upon which the Government is detaining the covered individual. Any evidence relied upon by the Government in its declaration shall be subject to a rebuttable presumption with respect to the competency and authenticity of such evidence.

''(B) PRESUMPTION.—Upon a determination that the Government's return shows credible evidence that the covered individual is an enemy combatant, there shall be a rebuttable presumption that the covered individual is an enemy combatant. The covered individual shall have the burden of rebutting the presumption that the covered individual is an enemy combatant by a showing of more persuasive evidence. The covered individual shall present such evidence in the form of a written declaration.

''(C) REBUTTAL OF PRESUMPTION.—If a covered individual presents evidence sufficient to rebut the presumption under subparagraph (B), the District Court may hold an evidentiary hearing on any disputed matter. In a hearing under this subparagraph, the court shall hear evidence and make findings of fact by a preponderance of the evidence.

''(2) DISCOVERY.—

''(A) SCOPE OF DISCOVERY.—Subject to subparagraph (B), a covered individual may request from the Government as the discovery relating to a habeas corpus proceeding under this section, and if requested by a covered individual, the Government shall provide—

''(i) any documents or objects directly and specifically referenced in the return submitted by the Government;

''(ii) any evidence known to the attorney for the Government that tends materially to undermine evidence presented in the return submitted by the Government;

''(iii) all statements, whether oral, written, or recorded, made or adopted by the covered individual that are known to the attorney for the Government and directly related to the information in the return submitted by the Government.

''(B) PROTECTION OF NATIONAL SECURITY INFORMATION.—

''(i) GENERALLY.—Classified information shall be protected and is privileged from disclosure in habeas corpus proceedings relating to a covered individual. The rule under this subparagraph applies to all stages of any proceeding relating to an application for habeas corpus filed under subsection (c)(1).

''(ii) SUBSTITUTE.—If any information described in subparagraph (A) is classified, the attorney for the Government shall either—

''(I) provide the covered individual with an adequate substitute, to the extent practicable and consistent with national security; or

''(II) make the classified information available to properly cleared counsel for the covered individual.

''(iii) NONDISCLOSURE OF CLASSIFIED INFORMATION.—Under no circumstances shall the Government be required to provide a covered individual, or any other person detained as an enemy combatant, with access to classified information as part of a habeas corpus proceeding under this section.

''(iv) SOURCES AND METHODS.—The Government shall not be required to disclose to anyone outside the Government the classified sources, methods, or activities by which the Government acquired information described in subparagraph (A). The District Court may require the Government to present, to the extent practicable and consistent with national security, an unclassified summary of the sources, methods, or activities by which the Government acquired such information.

''(v) ORDER.—Upon motion of the Government, the District Court shall issue an order to protect against the disclosure of any classified information.

''(vi) EX PARTE AND IN CAMERA REVIEW.—If the Government seeks to protect classified information from disclosure pursuant to the protections of this subparagraph, the court may review the Government's submission ex parte and in camera.

''(vii) INTERLOCUTORY APPEAL.—The Government may take an interlocutory appeal from a decision of the District Court relating to the disclosure of classified information subject to the same expedited procedures that would apply to such an appeal pursuant to section 7 of the Classified Information Procedures Act (18 U.S.C. App.).

''(3) WITNESS PRODUCTION.—

''(A) IN GENERAL.—To the maximum extent possible, habeas corpus proceedings shall be decided on the basis of a written return and a written declaration. The rules concerning the admissibility of evidence in civil or criminal trials shall not apply to the presentation and consideration of information at any evidentiary hearing under this section. The District Court may consider any reliable and probative evidence, including hearsay from military, intelligence, and law enforcement sources.

''(B) BASIS FOR IN-PERSON TESTIMONY.—The District Court may grant a motion for oral testimony relating to an evidentiary hearing pursuant to paragraph (1)(C) only if the court finds by clear and convincing evidence that military and intelligence operations would not be harmed by the production of the witness and oral testimony would be likely to provide a material benefit to the resolution by the court of the disputed matter.

''(4) ATTORNEYS.—

''(A) IN GENERAL.—The covered individual shall be represented by an attorney if the attorney—

''(i) is retained by the covered individual or appointed by the District Court;

''(ii) has been determined to be eligible for access to classified information that is classified at the level Secret or higher, as required; and

''(iii) has signed a written agreement to comply with all applicable regulations or instructions for attorneys in habeas corpus proceedings before the District Court, including any rules of court for conduct during the proceedings.

''(B) CLASSIFIED INFORMATION.—Any attorney for a covered individual—

''(i) shall protect any classified information received during the course of representation of the covered individual in accordance with all applicable law governing the protection of classified information; and

''(ii) may not divulge such information to any person not authorized to receive it.

''(5) VIDEO HEARINGS.—The District Court shall not require the presence of a covered individual detained at Guantanamo Bay, Cuba, or elsewhere, for the purpose of any proceeding under this section, including an evidentiary hearing pursuant to paragraph (1)(C), although the District Court in its discretion may permit a detainee to participate from Guantanamo Bay, Cuba, in certain proceedings through available technological means, if appropriate and consistent with the procedures for the protection of classified information and national security under this section.

''(e) EXHAUSTION OF MILITARY COMMISSION PROCEDURES.—

''(1) STAY OF APPLICATIONS PENDING OTHER PROCEEDINGS.—Any application for habeas corpus that is pending on or after the date of the enactment of the Enemy Combatant Detention Review Act of 2008 by or on behalf of a covered individual against whom charges have been sworn under chapter 47A of title 10 shall be stayed pending resolution of the proceedings under chapter 47A of title 10.

''(2) HABEAS PROCEDURES FOR PERSONS CONVICTED BY FINAL JUDGMENT OF A MILITARY COMMISSION.—

''(A) IN GENERAL.—Subject to the restrictions under sections 950g and 950j of title 10, an application for a writ of habeas corpus on behalf of a covered individual in custody pursuant to a final judgment of a military commission shall not be granted unless the applicant has exhausted the remedies available under chapter 47A of title 10.

''(B) FAILURE TO EXHAUST.—An application for a writ of habeas corpus by a covered individual may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available under chapter 47A of title 10.

''(C) REMEDIES NOT EXHAUSTED.—A covered individual shall not be determined to have exhausted the remedies available under chapter 47A of title 10, within the meaning of this section, if the covered individual has the right under chapter 47A of title 10 to raise, by any available procedure, the question presented in an application for a writ of habeas corpus.

''(D) LIMITATIONS.—An application for a writ of habeas corpus on behalf of a covered individual in custody pursuant to the judgment of a military commission shall not be granted with respect to any claim that was adjudicated on the merits in military commission proceedings under chapter 47A of title 10 or that could have been raised before the military commission, except where the commission was without jurisdiction to impose such a judgement.

''(E) SCOPE OF REVIEW.—Subject to the restrictions under subparagraph (D), in reviewing any other claim on an application for a writ of habeas corpus on behalf of a covered individual in custody pursuant to the sentence of a military commission, the District Court shall apply the same deference applicable to a court reviewing an application on behalf of a person in custody pursuant to the sentence of a court martial.

''(f) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—

''(1) IN GENERAL.—A claim presented in a second or successive application for habeas corpus under this section that was presented in a prior application shall be dismissed.

''(2) CLAIMS NOT INCLUDED IN PRIOR APPLICATION.—A claim presented in a second or successive application for habeas corpus under this section that was not presented in a prior application shall be dismissed unless the—

''(A) factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

''(B) facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found that the covered individual was lawfully detained.

''(3) PROCEDURES FOR SECOND AND SUCCESSIVE APPLICATIONS.—

''(A) IN GENERAL.—The District Court may only consider a second or successive application for habeas corpus under this section if the court determines that the covered individual makes a prima facie showing that the application satisfies the requirements under paragraph (2) for consideration of a second or successive application for habeas corpus.

''(B) APPEAL.—The Government may take an interlocutory appeal from a decision by the District Court to grant consideration of a second or successive habeas corpus application under this paragraph to the United States Court of Appeals for the District of Columbia Circuit. The District Court shall stay proceedings pending the decision on an interlocutory appeal.

''(g) RELEASE.—

''(1) COVERED INDIVIDUALS ORDERED RELEASED.—

''(A) IN GENERAL.—No court shall order the release of a covered individual into the United States.

''(B) VISAS AND IMMIGRATION.—The Secretary of State shall not issue any visa and the Secretary of Homeland Security shall not admit or provide any type of status to a covered individual described in subparagraph (A) that may permit the covered individual to enter or be admitted to the United States.

''(C) WAIVER.—The President, in the sole discretion of the President, may waive the restrictions under subparagraph (A) or (B), in whole or in part, upon a finding that the waiver of such restriction would be consistent with the national security of the United States.

''(2) TRANSFER.—

''(A) IN GENERAL.—If the District Court grants an application for a writ of habeas corpus and orders the release of a covered individual, the covered individual shall be released into the custody of the Secretary of Homeland Security for the purpose of transferring the individual to the country of citizenship of the individual or to another country.

''(B) TRANSFER.—An individual in the custody of the Secretary of Homeland Security pursuant to subparagraph (A) shall be housed separately from aliens detained as enemy combatants by the Department of Defense and in a manner consistent with safety and security of United States personnel. A transfer made pursuant to subparagraph (A) shall be effected as expeditiously as possible and in a manner that is consistent with the policy set out in section 2242 of the 1998 Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (subdivision B of division G of Public Law 105–277; 8 U.S.C. 1231 note), and with the national security interests of the United States.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 2241 of title 28, United States Code, is amended by striking subsection (e).

(2) TABLE OF SECTIONS.—The table of sections for chapter 153 of title 28, United States Code, is amended by striking the item relating to section 2256, as added by section 250 of the Act of November 6, 1978 (Public Law 95–598; 92 Stat. 2672), and inserting the following:

''2256. Habeas corpus review for certain enemy combatants.''.

(3) DETAINEE TREATMENT ACT OF 2005.—Section 1005(e) of the Detainee Treatment Act of 2005 (10 U.S.C. 801 note) is amended by striking paragraph (2).

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to all cases, without exception, pending on or after the date of the enactment of this Act.

SA 5356. Mr. CHAMBLISS (for himself and 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:

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

SEC. 652. TRANSITIONAL HEALTH CARE FOR CERTAIN MEMBERS OF THE ARMED FORCES WHO AGREE TO SERVE IN THE SELECTED RESERVE.

(a) PROVISION OF TRANSITIONAL HEALTH CARE.—Section 1145(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) A member who is separated from active duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.''.

(b) EFFECTIVE DATE.—Subparagraph (E) of section 1145(a)(2) of title 10, United States Code, as added by subsection (a), shall apply with respect to members of the Armed Forces who are separated from active duty after the date of the enactment of this Act.

SA 5357. Mr. ENSIGN 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 of 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) A description of proposed efforts to improve the increased distribution of units geographically across the United States.

(5) A description of proposed efforts to increase distribution of units in educationally and economically deprived areas.

(6) A description of proposed 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 containing (at a minimum) the information specified in subsection (d) until the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

SA 5358. Mr. ENSIGN (for himself and Mr. BROWNBACK) 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:

Strike section 1221.

SA 5359. Mr. BROWNBACK 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 45, strike line 2 and insert the following:

(2) assess any lessons learned from the design, development, and construction of the Airborne Laser system that could improve the operational effectiveness, suitability and survivability, or the affordability, of any future system; and

On page 45, line 3, strike ''(2)'' and insert ''(3)''.

On page 45, line 18, insert before the period the following: ''relative to the ballistic missile threat posed by North Korea, Iran, and other countries with active ballistic missile development and fielding programs''.

SA 5360. Mr. BROWNBACK 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 XII, add the following:

SEC. 1233. ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the current and future military and security strategy of Iran.

(2) GENERAL SCOPE OF REPORTS.—Each report shall address the current and probable future course of military-technological development of the Iran military and the tenets and probable development of the grand strategy, security strategy, and military strategy, and of military organizations and operational concepts, of Iran during the 20-year period beginning on the date of such report.

(3) FORM.—Each report shall be submitted in both unclassified and classified form.

(b) ELEMENTS.—Each report under this section shall include analyses and forecasts with respect to the following:

(1) The goals of the grand strategy, security strategy, and military strategy of Iran during the 20-year period beginning on the date of such report, and the relationship between such strategies and the current security situation in the Middle East and Central and South Asia.

(2) The size, location, and capabilities of the land, sea, air, and irregular forces of Iran, including the Artesh, the Iranian Revolutionary Guard Corps (IRGC), the Qods Force of the Iranian Revolutionary Guard Corps, Lebanese Hezbollah, and any other force controlled by the Iran or receiving funds or training from the Iran.

(3) Developments in and the capabilities of the ballistic missile, nuclear, and chemical and biological weapons programs of Iran.

(4) The degree to which Iran depends on unconventional, irregular, or asymmetric capabilities to achieve its strategic goals.

(5) The irregular warfare capabilities of Iran, including the exploitation of asymmetric strategies and related weapons and technology, the use of covert forces, the use of proxy forces, support for terrorist organizations, and strategic communications efforts.

(6) Efforts by Iran to develop, acquire, or gain access to information, communication, nuclear, and other advanced technologies that would enhance its military capabilities.

(7) The nature and significance of any arms, munitions, military equipment, or military or dual-use technology acquired by Iran from outside Iran, including from a foreign government or terrorist organization, or provided by Iran to any foreign government or terrorist organization.

(8) The nature and significance of any bilateral or multilateral security or defense-related cooperation agreements, whether formal or informal, between Iran and any foreign government or terrorist organization.

(9) Expenditures by Iran on each of the following:

(A) The security forces of Iran, whether regular and irregular, including the Artesh, the Iranian Revolutionary Guard Corps, and the Qods Force of the Iranian Revolutionary Guard Corps.

(B) The programs of Iran relating to weapons of mass destruction.

(C) Support provided to terrorist groups, insurgent groups, irregular proxy forces, and related activities.

(D) Bilateral military aid.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

SA 5361. Mr. BROWNBACK 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 III, add the following:

SEC. 344. SENSE OF SENATE ON EXPEDITIONARY MEDICAL SUPPORT PACKAGES.

It is the sense of the Senate that—

(1) Expeditionary Medical Support (EMEDS) packages are an important part of the disaster response capabilities provided by the Department of Defense; and

(2) Department plans for civil support missions should identify how Expeditionary Medical Support packages will be transported rapidly enough to meet medical surge schedules at any disaster site.

SA 5362. Mr. COLEMAN 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 356, between lines 12 and 13, insert the following:

SEC. 1222. RESTRICTIONS ON ENTERING INTO AGREEMENT FOR NUCLEAR COOPERATION WITH RUSSIA.

(a) IN GENERAL.—Notwithstanding any other provision of law, and in addition to any other sanction in effect, beginning on the date that is 15 days after the date of the enactment of this Act and until the President makes the certification described in subsection (c), the restrictions described in subsection (b) shall apply with respect to Russia.

(b) RESTRICTIONS.—The restrictions referred to in subsection (a) are the following:

(1) NUCLEAR COOPERATION AGREEMENTS.—The United States may not enter into an agreement for cooperation with Russia pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(2) LICENSES TO EXPORT NUCLEAR MATERIAL, FACILITIES, OR COMPONENTS.—The United States may not issue a license to export directly or indirectly to Russia any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(3) TRANSFERS OF NUCLEAR MATERIAL, FACILITIES, OR COMPONENTS.—The United States may not approve the transfer or retransfer directly or indirectly to Russia of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(c) CERTIFICATION.—The certification referred to in subsection (a) is a certification made by the President to Congress that—

(1) either—

(A) Russia has suspended all nuclear assistance to Iran and all transfers of advanced conventional weapons and missiles to Iran, including the SA-20 system; or

(B) Iran has completely, verifiably, and irreversibly dismantled all nuclear enrichment-related and reprocessing-related programs; and

(2) all Russian forces have been withdrawn from the undisputed territory of the sovereign state of Georgia and Russia has complied with its obligations under the ceasefire agreement signed on August 15, 2008.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as interfering with or preventing cooperation between the United States and Russia on Cooperative Threat Reduction programs.

SA 5363. Mr. LEAHY 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. PROHIBITION OF WAR PROFITEERING.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1040. War profiteering and fraud

''(a) PROHIBITION.—Whoever, in any matter involving a contract with, or the provision of goods or services to, the United States or a provisional authority, in connection with a mission of the United States Government overseas, knowingly—

''(1)(A) executes or attempts to execute a scheme or artifice to defraud the United States or that authority; or

''(B) materially overvalues any good or service with the intent to defraud the United States or that authority;

shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both; or

''(2) in connection with the contract or the provision of those goods or services—

''(A) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(B) makes any materially false, fictitious, or fraudulent statements or representations; or

''(C) makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1040. War profiteering and fraud.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1040''.

(c) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 1040 (relating to war profiteering and fraud),'' after ''liquidating agent of financial institution),''.

(d) RICO.—Section 1961(1) of title 18, United States Code, is amended by inserting ''section 1040 (relating to war profiteering and fraud),'' after ''in connection with access devices),''.

SA 5364. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mrs. MCCASKILL) 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:

Strike section 833 and insert the following:

SEC. 833. INFORMATION FOR FEDERAL GOVERNMENT CONTRACTOR EMPLOYEES ON THEIR WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to prescribe a policy for informing employees of a contractor of an executive agency of their whistleblower rights and protections under section 265 of title 41, United States Code, or section 2409 of title 10, United States Code, as applicable, as implemented by subpart 3.9 of part I of title 48, Code of Federal Regulations.

(b) ELEMENTS.—The regulations required by subsection (a) shall include requirements as follows:

(1) Employees of contractors shall be notified in writing of the provisions of section 265 of title 41, United States Code, or the provisions of section 2409 of title 10, United States Code, as applicable.

(2) Notice to employees of contractors under paragraph (1) shall state that the restrictions imposed by any employee agreement or nondisclosure agreement shall not supersede, conflict with, or otherwise alter the employee rights created by section 265 of title 41, United States Code (or the regulations implementing such section), or the employee rights created by section 2409 of title 10, United States Code (or the regulations implementing such section), as applicable.

(c) CONTRACTOR DEFINED.—In this section, the term ''contractor''—

(1) in the case of the Department of Defense or any other agency covered by section 2409 of title 10, United States Code, has the meaning given that term in section 2409(e)(4) of such title; and

(2) in the case of any other executive agency, has the meaning given that term in section 265(e)(2) of title 41, United States Code.

SA 5365. Mr. LIEBERMAN (for himself and Ms. COLLINS) 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:

Strike section 832 and insert the following:

SEC. 832. ETHICS SAFEGUARDS FOR EMPLOYEES UNDER CERTAIN CONTRACTS FOR THE PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) ETHICS SAFEGUARDS.—

(1) CONTRACT CLAUSE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require that each contract (or task or delivery order) in excess of $500,000 that calls for the performance of acquisition functions closely associated with inherently governmental functions for or on behalf of an executive agency shall include a contract clause addressing financial conflicts of interests of contractor employees who will be responsible for the performance of such functions.

(2) CONTENTS OF CONTRACT CLAUSE.—The contract clause required by paragraph (1) shall, at a minimum—

(A) require the contractor to prohibit any employee of the contractor from performing any functions described in paragraph (1) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter in which the employee (or a member of the employee's immediate family) has a financial interest without the express written approval of the contracting officer;

(B) require the contractor to obtain, review, update, and maintain as part of its personnel records a financial disclosure statement from each employee assigned to perform functions described in subparagraph (A) under such a contract (or task or delivery order) that is sufficient to enable the contractor to ensure compliance with the requirements of subparagraph (A);

(C) require the contractor to prohibit any employee of the contractor who is responsible for performing functions described in subparagraph (A) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter from accepting a gift from the affected company or from an individual or entity that has a financial interest in the program, contract, or other matter;

(D) require the contractor to prohibit contractor personnel who have access to nonpublic government information obtained while performing work on such a contract (or task or delivery order) from using such information for personal gain;

(E) require the contractor to take appropriate disciplinary action in the case of employees who fail to comply with prohibitions established pursuant to this section;

(F) require the contractor to promptly report any failure to comply with the prohibitions established pursuant to this section to the contracting officer for the applicable contract or contracts;

(G) include appropriate definitions of the terms ''financial interest'' and ''gift'' that are similar to the definitions in statutes and regulations applicable to Federal employees;

(H) establish appropriate contractual penalties for failures to comply with the requirements of subparagraphs (A) through (F); and

(I) provide such additional safeguards, definitions, and exceptions as may be necessary to safeguard the public interest.

(3) DEFINITIONS.—In this subsection:

(A) The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(B) The term ''functions closely associated with inherently governmental functions'' means the functions described in section 7.503(d) of the Federal Acquisition Regulation, or any successor regulation.

(b) PERSONAL CONFLICTS OF INTEREST.—

(1) REVIEW OF FAR REGARDING PERSONAL CONFLICTS OF INTEREST.—Not later than 12 months after the date of the enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with the Director of the Office of Government Ethics, shall review the Federal Acquisition Regulation to determine whether revisions to the Federal Acquisition Regulation are necessary to address personal conflicts of interest by contractor employees with respect to contracts other than contracts described in subsection (a)(1).

(2) REVISIONS OF FAR.—If the Administrator determines pursuant to the review under paragraph (1) that revisions to the Federal Acquisition Regulation are necessary to address personal conflicts of interest described in that paragraph, the Administrator shall work with the Federal Acquisition Regulatory Council to prescribe appropriate revisions to the Federal Acquisition Regulation for that purpose.

(3) REPORT.—Not later than March 1, 2010, the Administrator shall submit to the appropriate committees of Congress a report setting forth the findings and determinations of the Administrator as a result of the review under paragraph (1), together with an assessment of any revisions to the Federal Acquisition Regulation that may be necessary to address personal conflicts of interest described in that paragraph.

(c) ORGANIZATIONAL CONFLICTS OF INTEREST.—

(1) REVIEW OF FAR REGARDING ORGANIZATIONAL CONFLICTS OF INTEREST.—Not later than 12 months after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall review the Federal Acquisition Regulation to determine whether revisions to the Federal Acquisition Regulation are necessary to achieve sufficiently rigorous, comprehensive, and uniform government-wide policies to prevent and mitigate organizational conflicts of interest in Federal contracting.

(2) REVISIONS OF FAR.—If the Administrator determines pursuant to the review under paragraph (1) that revisions to the Federal Acquisition Regulation are necessary to achieve the policies described in that paragraph, the Administrator shall work with the Federal Acquisition Regulatory Council to prescribe appropriate revisions to the Federal Acquisition Regulation for that purpose.

(3) REPORT.—Not later than March 1, 2010, the Administrator shall submit to the appropriate committees of Congress a report setting forth the findings and determinations of the Administrator as a result of the review under paragraph (1), together with an assessment of any revisions to the Federal Acquisition Regulation that may be necessary to achieve the policies described in that paragraph.

(d) BEST PRACTICES REGARDING CONFLICTS OF INTEREST.—The Administrator for Federal Procurement Policy shall, in consultation with the Director of the Office of Government Ethics, develop and maintain a repository of best practices relating to the prevention and mitigation of organizational and personal conflicts of interest in Federal contracting.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

SA 5366. 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) EVIDENCE SUBSTANTIATING OCCURRENCE OF REPRISAL.—Subsection (b) of section 2409 of title 10, United States Code, is 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.''.

(b) 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.''.

(c) 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 5367. Mr. CONRAD 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. REPORT ON BONUSES AND INCENTIVES FOR RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of the Air Force shall submit to the congressional defense committees a report assessing the feasibility, advisability, utility, and cost effectiveness of establishing new retention bonuses or assignment incentive pay for members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons in order to enhance the recruitment and retention of such members.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of current reenlistment rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) An assessment of whether additional retention bonuses or assignment incentive pay could help to improve retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(4) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(5) Such other matters as the Secretary considers appropriate.

SA 5368. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mr. ALLARD, Mr. BOND, Mr. BENNETT, Mr. BROWNBACK, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. ENSIGN, Mr. DOMENICI, Mr. ENZI, Mrs. HUTCHISON, Mr. ISAKSON, Mr. THUNE, Mr. KYL, Mr. WICKER, Mr. ROBERTS, Mr. CHAMBLISS, Mrs. DOLE, Mr. BURR, Mr. MARTINEZ, Mr. STEVENS, Mr. COBURN, and Mr. BARRASSO) 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 activies 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 STRATEGIC SUCCESS OF THE TROOP SURGE IN IRAQ AND THE MEMBERS OF THE UNITED STATES ARMED FORCES WHO MADE THAT SUCCESS POSSIBLE.

(a) FINDINGS.—The Senate makes the following findings:

(1) By the end of 2006, it had become clear that, despite exceptional efforts and sacrifices on the part of the United States Armed Forces in Iraq, the United States was pursuing a failed strategy in Iraq.

(2) By the end of 2006, large-scale sectarian violence was accelerating throughout Iraq, al Qaeda had established significant safe havens there, militias sponsored by the Government of Iran had seized effective control of large swaths of Iraq, and the Government of Iraq was suffering from political paralysis.

(3) By the end of 2006, insurgents and death squads were killing more than 3,000 civilians in Iraq each month and coalition forces were sustaining more than 1,200 attacks each week.

(4) In December 2006, the Iraq Study Group warned that ''the United States is facing one of its most difficult and significant international challenges in decades'' in Iraq and that ''Iraq is vital to regional and even global stability, and is critical to U.S. interests''.

(5) In December 2004, Osama bin Laden said the following of the war in Iraq: ''The most important and serious issue today for the whole world is this Third World War. . . . The world's millstone and pillar is Baghdad, the capital of the caliphate.''.

(6) On January 10, 2007, in an address to the Nation, President George W. Bush acknowledged that the situation in Iraq was ''unacceptable'' and announced his intention to put in place a new strategy, subsequently known as ''the surge''.

(7) President Bush nominated and the Senate confirmed General David H. Petraeus as the Commander of Multi-National Forces—Iraq, a position he assumed on February 10, 2007.

(8) General Petraeus, upon assuming command, and in partnership with Lieutenant General Raymond Odierno, the Commander of Multi-National Corps—Iraq, and United States Ambassador to Iraq Ryan Crocker, developed a comprehensive civil-military counterinsurgency campaign plan to reverse Iraq's slide into chaos, defeat the enemies of the United States in Iraq, and, in partnership with the Iraqi Security Forces and the Government of Iraq, reestablish security across the country.

(9) Under the previous strategy, the overwhelming majority of United States combat forces were concentrated on a small number of large forward operating bases and were not assigned the mission of providing security for the people of Iraq against insurgents, terrorists, and militia fighters, in part because there were insufficient members of the United States Armed Forces in Iraq to do so.

(10) As an integral component of the surge, approximately 5 additional United States Army brigades and 2 United States Marine Corps battalions were deployed to Iraq.

(11) As an integral component of the surge, members of the United States Armed Forces were deployed out of large forward operating bases onto small bases throughout Baghdad and other key population centers, partnering with the Iraqi Security Forces to provide security for the local population against insurgents, terrorists, and militia fighters.

(12) Additional members of the United States Armed Forces began moving into Iraq in January 2007 and reached full strength in June 2007.

(13) As a consequence of the additional forces needed in Iraq, in April 2007 the United States Army added 3 months to the standard year-long tour for all active duty soldiers in Iraq and Afghanistan, and the United States Marine Corps added 3 months to the standard 6-month tour for all active duty Marines in Iraq and Afghanistan.

(14) As an integral component of the surge, members of the United States Armed Forces began simultaneous and successive offensive operations, in partnership with the Iraqi Security Forces, of unprecedented breadth,

continuity, and sophistication, striking multiple enemy safe havens and lines of communication at the same time.

(15) As an integral component of the surge, additional members of the United States Armed Forces were deployed to Anbar province to provide essential support to the nascent tribal revolt against al Qaeda in that province.

(16) Those additional members of the United States Armed Forces played a critical role in the success and spread of anti-Qaeda Sunni tribal groups in Anbar province and subsequently in other regions of Iraq.

(17) Since the start of the surge in January 2007, there have been marked and hopeful improvements in almost every political, security, and economic indicator in Iraq.

(18) In 2007, General Petraeus described Iraq as ''the central front of al Qaeda's global campaign''.

(19) In 2008, as a consequence of the success of the surge, al Qaeda has been dealt what Director of Central Intelligence Michael Hayden assesses as a ''near strategic defeat'' in Iraq.

(20) As a consequence of the success of the surge, militias backed by the Government of Iran have been routed from major population centers in Iraq and no longer control significant swaths of territory.

(21) As a consequence of the success of the surge, sectarian violence in Iraq has fallen dramatically and has been almost entirely eliminated.

(22) As a consequence of the success of the surge, overall insurgent attacks have fallen by approximately 80 percent since June 2007 and are at their lowest level since March 2004.

(23) As a consequence of the success of the surge, United States casualties in Iraq have dropped dramatically and United States combat deaths in Iraq in July 2008 were lower than in any other month since the beginning of the war.

(24) As a consequence of the success of the surge, the Government of Iraq has made significant strides in advancing sectarian reconciliation and achieving political progress, including the passage of key benchmark legislation.

(25) As a consequence of the success of the surge, the Iraqi Security Forces have improved markedly and approximately 70 percent of Iraqi combat battalions are now leading operations in their areas.

(26) As a consequence of the success of the surge, General Petraeus concluded in 2008 that conditions on the ground in Iraq could permit the additional brigades and battalions dispatched to Iraq in 2007 as part of the surge to be safely redeployed without replacement, and all such brigades and battalions have been successfully withdrawn without replacement.

(b) SENSE OF SENATE.—It is the sense of the Senate to—

(1) commend and express its gratitude to the men and women of the United States Armed Forces for the service, sacrifices, and heroism that made the success of the troop surge in Iraq possible;

(2) commend and express its gratitude to General David H. Petraeus, General Raymond Odierno, and Ambassador Ryan Crocker for the distinguished wartime leadership that made the success of the troop surge in Iraq possible;

(3) recognize the success of the troop surge in Iraq and its strategic significance in advancing the vital national interests of the United States in Iraq, the Middle East, and the world, in particular as a strategic victory in a central front of the war on terrorism; and

(4) recognize that the hard-won gains achieved as a result of the troop surge in Iraq are significant but not yet permanent and that it is imperative that no action be taken that jeopardizes those gains or dishonors the service and sacrifice of the men and women of the United States Armed Forces who made those gains possible.

SA 5369. Mr. WHITEHOUSE (for himself, Mrs. FEINSTEIN, Mr. ROCKEFELLER, 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:

On page 280, after line 20, add the following:

SEC. 1037. REQUIREMENT FOR RED CROSS NOTIFICATION OF AND ACCESS TO DETAINEES.

(a) REQUIREMENT.—No funds authorized to be appropriated by this Act or any other Act may be used to detain any individual who is in the custody or under the effective control of an element of the intelligence community or an instrumentality of such element unless the International Committee of the Red Cross is provided notification of the detention of such individual and access to such individual in a manner consistent with the practices of the Armed Forces.

(b) CONSTRUCTION.—Nothing in this subsection shall be construed—

(1) to create or otherwise imply the authority to detain; or

(2) to limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

(c) DEFINITIONS.—In this section:

(1) INSTRUMENTALITY.—The term ''instrumentality'', with respect to an element of the intelligence community, means a contractor or subcontractor at any tier of the element of the intelligence community.

(2) 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)).

SA 5370. Ms. LANDRIEU 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 452, between lines 9 and 10, insert the following:

SEC. 2806. EXPANSION OF AUTHORITY FOR PILOT PROJECTS FOR ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.

Section 2881a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary of the Navy'' and inserting ''(1) The Secretary of the Navy''; and

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

''(2) The Secretary of the Army shall carry out a pilot project under the authority of this section or another provision of this subchapter to use the private sector for the acquisition or construction of military unaccompanied housing for all ranks at Fort Polk, Louisiana.'';

(2) in subsection (b), by striking ''The Secretary of the Navy'' and inserting ''The Secretaries of the Army and Navy'';

(3) in subsection (d)(1), by striking ''The Secretary of the Navy'' and inserting ''The Secretaries of the Army and Navy'';

(4) in subsection (e)(1), by striking ''The Secretary of the Navy shall transmit'' and inserting ''The Secretaries of the Army and Navy shall each transmit''; and

(5) in subsection (f)—

(A) by striking ''The authority'' and inserting ''(1) The authority''; and

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

''(2) The authority of the Secretary of the Army to enter into a contract under the pilot program shall expire September 30, 2010.''.

SA 5371. Ms. LANDRIEU 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 311, between lines 13 and 14, insert the following:

SEC. 1083. WORLD WAR II MUSEUM FOUNDATION FOR AMERICA'S NATIONAL WORLD WAR II MUSEUM.

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

(1) The National D-Day Museum was officially designated by the Congress as ''America's National World War II Museum'' in section 8134 of the Fiscal Year 2004 Defense Appropriations Act (Public Law 108–87; 117 Stat. 1103).

(2) The Museum received the national designation because it is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during World War II, years 1939-1945, on both the battlefront and the homefront. In doing so, the Museum covers all of the branches of the Armed Forces and the Merchant Marine.

(3) A one-time $50,000,000 grant to the World War II Museum Foundation would provide vital Federal support for the U.S. Freedom Pavilion portion of the current Museum expansion.

(4) The U.S. Freedom Pavilion will be the main entrance building to the main theater, exhibit halls, and other pavilions in the Museum. Among its major exhibits, the Freedom Pavilion will contain an interactive exhibition honoring all of the World War II veterans who have also served the Nation as President or as a member of the Senate or House of Representatives.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amount appropriated pursuant to the authorization of appropriations under section 301(1), $50,000,000 may be made available for a grant to the National World War II Museum Foundation for the museum in New Orleans, Louisiana, designated as America's National World War II Museum by section 8134 of the Department of Defense Appropriations Act, 2005 (Public Law 108–87; 117 Stat. 1103).

SA 5372. Mr. NELSON of Nebraska 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 V, add the following:

SEC. 539. AUTHORIZED STRENGTH AND DISTRIBUTION IN GRADE OF CERTAIN NATIONAL GUARD AND RESERVE OFFICERS AND ARMY NATIONAL GUARD ENLISTED PERSONNEL.

(a) STRENGTH AND GRADE AUTHORIZATIONS FOR CERTAIN NATIONAL GUARD AND RESERVE OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended—

(1) by striking the matter relating to the Army National Guard and the Marine Corps Reserve and inserting the following new matter:

''Army National Guard:	Major	Lieutenant Colonel	Colonel
20,000	1,500	850	325
22,000	1,650	930	350
24,000	1,790	1,010	378
26,000	2,070	1,168	420
28,000	1,930	1,085	395
30,000	2,200	1,245	445
32,000	2,330	1,315	460
34,000	2,450	1,385	470
36,000	2,570	1,455	480
38,000	2,670	1,527	490
40,000	2,770	1,590	500
42,000	2,837	1,655	505

''Marine Corps Reserve:	Major	Lieutenant Colonel	Colonel
1,000	99	63	20
1,200	103	67	21
1,300	107	70	22
1,400	111	73	23
1,500	114	76	24
1,600	117	79	25
1,700	120	82	26
1,800	123	85	27
1,900	126	88	28
2,000	129	91	29
2,100	132	94	30
2,200	134	97	31
2,300	136	100	32
2,400	138	103	33
2,500	140	106	34
2,600	142	109	35''.

(2) by striking the matter relating to the Air National Guard and inserting the following new matter:

''Air National Guard:	Major	Lieutenant Colonel	Colonel
5,000	333	335	251
6,000	403	394	260
7,000	472	453	269
8,000	539	512	278
9,000	606	571	287
10,000	673	665	313
11,000	740	759	339
12,000	807	827	353
13,000	873	886	363
14,000	939	945	374
15,000	1,005	1,001	384
16,000	1,067	1,057	394
17,000	1,126	1,113	404
18,000	1,185	1,169	414
19,000	1,235	1,224	424
20,000	1,283	1,280	428''.

(b) STRENGTH AND GRADE AUTHORIZATION FOR CERTAIN ARMY NATIONAL GUARD PERSONNEL.—The table in section 12012(a) of such title is amended by striking the matter relating to the Army National Guard and inserting the following new matter:

''Army National Guard:	E–8	E–9
20,000	1,650	550
22,000	1,775	615
24,000	1,950	645
26,000	2,100	675
28,000	2,250	715
30,000	2,400	735
32,000	2,500	760
34,000	2,600	780

''Army National Guard:	E–8	E–9
36,000	2,700	800
38,000	2,800	820
40,000	2,900	830
42,000	3,000	840''.

SA 5373. Mr. NELSON of Nebraska 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. AUTHORITY TO CONTINUE PROVISION OF INCENTIVES AFTER TERMINATION OF TEMPORARY ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3321) is amended to read as follows:

''(i) TERMINATION OF AUTHORITY.—

''(1) IN GENERAL.—The Secretary may not develop an incentive under this section, or first provide an incentive developed under this section to an individual, after December 31, 2009.

''(2) CONTINUATION OF INCENTIVES.—Nothing in paragraph (1) shall be construed to prohibit or limit the continuing provision to an individual after the date specified in that paragraph of an incentive first provided the individual under this section before that date.''.

SA 5374. Mr. REID (for Mr. BIDEN (for himself, Mr. KERRY, and Mr. HAGEL)) 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 360, after line 20, add the following:

Subtitle E—Enhanced Partnership With Pakistan

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Enhanced Partnership with Pakistan Act of 2008''.

SEC. 1242. FINDINGS.

Congress makes the following findings:

(1) The people of Pakistan and the United States have a long history of friendship and comity, and the vital interests of both nations are well-served by strengthening and deepening this friendship.

(2) In February 2008, the people of Pakistan elected a civilian government, reversing months of political tension and intrigue, as well as mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of that country's populace, and serve as a model to other countries around the world.

(4) Pakistan is a major non-NATO ally of the United States, and has been a valuable partner in the battle against al Qaeda and the Taliban.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past 6 years.

(6) Since the terrorist attacks of September 11, 2001, more al Qaeda terrorist suspects have been apprehended in Pakistan than in any other country, including Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi.

(7) Despite the sacrifices and cooperation of the security forces of Pakistan, the top leadership of al Qaeda, as well as the leadership and rank-and-file of affiliated terrorist groups, are believed to use Pakistan's Federally Administered Tribal Areas (FATA) as a haven and a base from which to organize terrorist actions in Pakistan and with global reach.

(8) According to a Government Accountability Office Report, (GAO–08–622), ''since 2003, the administration's national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power— diplomatic, military, intelligence, development assistance, economic, and law enforcement support— was needed to address the terrorist threat emanating from the FATA'' and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 22 U.S.C. 2375 note).

(9) According to United States military sources and unclassified intelligence reports, including the July 2007 National Intelligence Estimate entitled, ''The Terrorist Threat to the U.S. Homeland'', the Taliban, al Qaeda, and their Pakistani affiliates continue to use territory in Pakistan as a haven, recruiting location, and rear base for violent actions in both Afghanistan and Pakistan, as well as attacks globally, and pose a threat to the United States homeland.

(10) The toll of terrorist attacks, including suicide bombs, on the people of Pakistan include thousands of citizens killed and wounded across the country, over 1,400 military and police forces killed (including 700 since July 2007), and dozens of tribal, provincial, and national officials targeted and killed, as well as the brazen assassination of former prime minister Benazir Bhutto while campaigning in Rawalpindi on December 27, 2007, and several attempts on the life of President Pervaiz Musharraf, and the rate of such attacks have grown considerably over the past 2 years.

(11) The people of Pakistan and the United States share many compatible goals, including—

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

(B) solidifying democracy and the rule of law in Pakistan;

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

(D) promoting the social and material well-being of Pakistani citizens, particularly through development of such basic services as public education, access to potable water, and medical treatment; and

(E) safeguarding the peace and security of South Asia, including by facilitating peaceful relations between Pakistan and its neighbors.

(12) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

(13) The election of a civilian government in Pakistan in February 2008 provides an opportunity, after nearly a decade of military-dominated rule, to place relations between Pakistan and the United States on a new and more stable foundation.

(14) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

SEC. 1243. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.—The term ''counterinsurgency'' means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through the use of subversion and armed conflict.

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(4) FATA.—The term ''FATA'' means the Federally Administered Tribal Areas of Pakistan.

(5) NWFP.—The term ''NWFP'' means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(6) PAKISTAN-AFGHANISTAN BORDER AREAS.—The term ''Pakistan-Afghanistan border areas'' includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

(7) SECURITY-RELATED ASSISTANCE.—The term ''security-related assistance'' means—

(A) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763);

(B) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.);

(C) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.);

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368).

(8) SECURITY FORCES OF PAKISTAN.—The term ''security forces of Pakistan'' means the military, paramilitary, and intelligence services of the Government of Pakistan, including the armed forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, Frontier Corps, and Frontier Constabulary.

SEC. 1244. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to support the consolidation of democracy, good governance, and rule of law in Pakistan;

(2) to affirm and build a sustained, long-term, multifaceted relationship with Pakistan;

(3) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

(4) to work with Pakistan and the countries bordering Pakistan to facilitate peace in the region and harmonious relations between the countries of the region;

(5) to work with the Government of Pakistan to prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, Afghanistan, or elsewhere in the world;

(6) to work in close cooperation with the Government of Pakistan to coordinate military and paramilitary action against terrorist targets;

(7) to work with the Government of Pakistan to help bring peace, stability, and development to all regions of Pakistan, especially those in the Pakistan-Afghanistan border areas, including support for an effective counterinsurgency strategy; and

(8) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods.

SEC. 1245. AUTHORIZATION OF FUNDS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the following amounts:

(1) For fiscal year 2009, up to $1,500,000,000.

(2) For fiscal year 2010, up to $1,500,000,000.

(3) For fiscal year 2011, up to $1,500,000,000.

(4) For fiscal year 2012, up to $1,500,000,000.

(5) For fiscal year 2013, up to $1,500,000,000.

(b) SENSE OF CONGRESS ON ECONOMIC SUPPORT FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate, there should be authorized to be appropriated up to $1,500,000,000 per year for fiscal years 2014 through 2018 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

(c) SENSE OF CONGRESS ON SECURITY-RELATED ASSISTANCE.—It is the sense of Congress that security-related assistance to the Government of Pakistan should be provided in close coordination with the Government of Pakistan, designed to improve the Government's capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (5), (6), and (7) of section 1244.

(d) USE OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations under this section shall be used for projects determined by an objective measure to be of clear benefit to the people of Pakistan, including projects that promote—

(1) just and democratic governance, including—

(A) political pluralism, equality, and the rule of law;

(B) respect for human and civil rights;

(C) independent, efficient, and effective judicial systems;

(D) transparency and accountability of all branches of government and judicial proceedings; and

(E) anticorruption efforts among police, civil servants, elected officials, and all levels of government administration, including the military;

(2) economic freedom, including—

(A) private sector growth and the sustainable management of natural resources;

(B) market forces in the economy; and

(C) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders; and

(3) investments in people, particularly women and children, including—

(A) broad-based public primary and secondary education and vocational training for both boys and girls;

(B) the construction of roads, irrigation channels, wells, and other physical infrastructure;

(C) agricultural development to ensure food staples in times of severe shortage;

(D) quality public health, including medical clinics with well trained staff serving rural and urban communities; and

(E) public-private partnerships in higher education to ensure a breadth and consistency of Pakistani graduates to help strengthen the foundation for improved governance and economic vitality.

(e) PREFERENCE FOR BUILDING LOCAL CAPACITY.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan to provide assistance under this section.

(f) AUTHORITY TO USE FUNDS FOR OPERATIONAL EXPENSES.—Funds authorized by this section may be used for operational expenses. Funds may also be made available to the Inspector General of the United States Agency for International Development to provide audits and program reviews of projects funded pursuant to this section.

(g) USE OF SPECIAL AUTHORITY.—The President is encouraged to utilize the authority of section 633(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2393(a)) to expedite assistance to Pakistan under this section.

(h) USE OF FUNDS.—Funds appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs by the United States mission in Pakistan, subject to existing reporting and notification requirements.

(i) NOTIFICATION REQUIREMENTS.—

(1) NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.—The President shall notify Congress not later than 15 days before providing any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government.

(2) ANNUAL REPORT.—The President shall submit to the appropriate congressional committees a report on assistance provided under this section. The report shall describe—

(A) all expenditures under this section, by region;

(B) the intended purpose for such assistance, the strategy or plan with which it is aligned, and a timeline for completion associated with such strategy or plan;

(C) the partner or partners contracted for that purpose, as well as a measure of the effectiveness of the partner or partners;

(D) any shortfall in financial, physical, technical, or human resources that hinder effective use and monitoring of such funds; and

(E) any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any.

(j) SENSE OF CONGRESS ON FUNDING OF PRIORITIES.—It is the sense of Congress that the Government of Pakistan should allocate a greater portion of its budget, consistent with its ''Poverty Reduction Strategy Paper'', to the recurrent costs associated with education, health, and other priorities described in this section.

SEC. 1246. LIMITATION ON CERTAIN ASSISTANCE.

(a) LIMITATION ON CERTAIN MILITARY ASSISTANCE.—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(b) LIMITATION ON ARMS TRANSFERS.—Beginning in fiscal year 2012, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(c) CERTIFICATION.—The certification required by this subsection is a certification to the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

(1) are making concerted efforts to prevent al Qaeda and associated terrorist groups from operating in the territory of Pakistan;

(2) are making concerted efforts to prevent the Taliban from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan; and

(3) are not materially interfering in the political or judicial processes of Pakistan.

(d) WAIVER.—The Secretary of State may waive the limitations in subsections (a) and (b) if the Secretary determines it is in the national security interests of the United States to provide such waiver.

(e) PRIOR NOTICE OF WAIVER.—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor.

SEC. 1247. COALITION SUPPORT FUNDS.

(a) ACCOUNTING REPORTS.—Not later than May 1 and November 1 of each year, the President shall submit to the appropriate congressional committees and the Committees on Armed Services of the Senate and the House of Representatives a complete accounting of the Coalition Support Fund payments made to Pakistan for the preceding two fiscal quarters. The accounting shall include a description of each claim presented by the Government of Pakistan and reimbursed by the United States, in sufficient detail to permit Congress to provide effective oversight.

(b) PROHIBITION ON REIMBURSEMENT WITHOUT ACCOUNTING REPORT.—Except as provided in subsection (c), no claim for funding under the Coalition Support Fund made after the date of the enactment of this Act may be paid until the President has submitted the accounting described in subsection (a) for the most recent two fiscal quarters.

(c) WAIVER.—The Secretary of Defense may waive the prohibition in subsection (b) for a

nonrenewable 6-month period for an individual Coalition Support Fund claim if the Secretary submits to the committees described in subsection (a) a written certification that such waiver is in the national security interests of the United States.

(d) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex. The unclassified portion shall be submitted in a searchable electronic format.

SEC. 1248. AFGHANISTAN-PAKISTAN BORDER STRATEGY.

(a) DEVELOPMENT OF COMPREHENSIVE STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-border strategy for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measurers in and near the border areas of Pakistan and Afghanistan, especially in known or suspected safe havens such as Pakistan's FATA, the NWFP, parts of Balochistan, and other critical areas in the south and east border areas of Afghanistan.

(b) REPORT.—Not later than June 1, 2009, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the FATA, as well as proposed timelines and budgets for implementing the strategy.

SEC. 1249. SENSE OF CONGRESS.

It is the sense of Congress that the United States should—

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan; and

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally.

SA 5375. Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. CHAMBLISS) 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 VI, add the following:

SEC. 634. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS FOR LONG DISTANCE TRAVEL TO INACTIVE DUTY TRAINING.

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

''§ 411k. Travel and transportation allowances: long distance travel to inactive duty training performed by members of the reserve components of the armed forces

''(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse a member of a reserve component of the armed forces for expenses incurred in connection with round-trip travel in excess of 100 miles to an inactive duty training location, including mileage traveled and lodging and subsistence.

''(b) RATES OF REIMBURSEMENT.—

''(1) MILEAGE.—In determining the amount of allowances or reimbursement to be paid for mileage traveled under this section, the Secretary concerned shall use the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707(b) of title 5.

''(2) LODGING AND SUBSISTENCE.—In determining the amount of allowances or reimbursement to be paid for lodging and subsistence under this section, the Secretary concerned shall use the per diem rate as prescribed by the Administrator of General Services under section 5707 of title 5.

''(3) AUTHORITY TO REIMBURSE AT HIGHER RATES.—Subject to the availability of appropriations and the approval of the Secretary of Defense, the Secretary concerned may modify the amount of allowances or reimbursement to be paid under this section using reimbursement rates in excess of those prescribed under paragraphs (1) and (2).

''(c) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.''.

(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 411j the following new item:

''411k. Travel and transportation allowances: long distance travel to inactive duty training performed by members of the reserve components of the armed forces.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act.

SA 5376. Mr. WARNER (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:

Strike section 1003 and insert the following:

SEC. 1003. CODIFICATION OF RECURRING AUTHORITY ON UNITED STATES CONTRIBUTIONS TO THE NORTH ATLANTIC TREATY ORGANIZATION COMMON-FUNDED BUDGETS.

(a) CODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2263. United States contributions to the North Atlantic Treaty Organization common-funded budgets

''(a) IN GENERAL.—The total amount contributed by the Secretary of Defense in any fiscal year for the common-funded budgets of NATO may be an amount in excess of the maximum amount that would otherwise be applicable to those contributions in such fiscal year under the fiscal year 1998 baseline limitation.

''(b) REPORTS.—(1) Not later than October 30 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the contributions made by the Secretary to the common-funded budgets of NATO in the preceding fiscal year.

''(2) Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) The amounts contributed by the Secretary to each of the separate budgets and programs of the North Atlantic Treaty Organization under the common-funded budgets of NATO.

''(B) For each budget and program to which the Secretary made such a contribution, the percentage of such budget or program during the fiscal year that such contribution represented.

''(c) DEFINITIONS.—In this section:

''(1) COMMON-FUNDED BUDGETS OF NATO.—The term 'common-funded budgets of NATO' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

''(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term 'fiscal year 1998 baseline limitation' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

''2263. United States contributions to the North Atlantic Treaty Organization common-funded budgets.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply to fiscal years that begin on or after that date.

SA 5377. 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:

On page 454, after line 21, add the following:

SEC. 2814. VEGETATION MAINTENANCE PLAN FOR DEPARTMENT OF DEFENSE TRAINING RANGES.

(a) PLAN REQUIRED.—The Secretary of Defense shall submit concurrently with the budget materials submitted to Congress for fiscal year 2010 a vegetation maintenance

plan for all Department of Defense training ranges identifying measures to prevent training range encroachment, identify recoverable acreage, and sustain any potential recovery.

(b) CONTENT.—The plan submitted under subsection (a) shall include—

(1) a survey of all Department of Defense training ranges and the impact of vegetation on the loss of training range acreage;

(2) an estimate of the funds required, identified by installation, for vegetation management;

(3) a ranking of probable adverse training impacts by installation; and

(4) a proposed five-year plan, and projected budgetary resources needed by year, to sustain the vegetation management gains proposed by the plan.

SA 5378. 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 D of title II, add the following:

SEC. 257. REPORT ON THE ACCELERATION OF RESEARCH, DEVELOPMENT, AND FIELDING OF LIFE-PRESERVING BLOOD TECHNOLOGIES.

(a) REPORT REQUIRED.—Not later than March 30, 2009, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the feasability and advisability of accelerating research, development, and fielding of blood technologies that will improve the capacity to save lives of members of the Armed Forces receiving combat care.

(b) COVERED TECHNOLOGIES.—The technologies to be addressed by the report required by subsection (a) shall include, but not be limited to, extended life red blood cells, cryogenic storage of white blood cells, cryo-preserved platelets, hemoglobin-based oxygen carriers, and freeze dried plasma.

SA 5379. Mrs. CLINTON 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 311, between lines 13 and 14, insert the following:

SEC. 1083. POSTAL BENEFITS PROGRAM FOR MEMBERS OF THE ARMED FORCES SERVING IN IRAQ OR AFGHANISTAN.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term ''qualified individual'' means a member of the Armed Forces on active duty (as defined in section 101 of title 10, United States Code) who—

(1) is serving in Iraq or Afghanistan; or

(2) is hospitalized at a facility under the jurisdiction of the Department of Defense as a result of a disease or injury incurred as a result of service in Iraq or Afghanistan.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit, whether in printed, electronic, or other format (in this section referred to as a ''voucher''), as the Secretary of Defense, in consultation with the Postal Service, shall determine, which entitle the bearer or user to make qualified mailings free of postage.

(2) QUALIFIED MAILING.—In this section, the term ''qualified mailing'' means the mailing of a single mail piece which—

(A) is first-class mail (including any sound-recorded or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 10 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to a qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every second month in which the member is a qualified individual.

(e) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than a single qualified mailing; or

(2) after the earlier of—

(A) the expiration date of the voucher, as designated by the Secretary of Defense; or

(B) the end of the one-year period beginning on the date on which the regulations prescribed under subsection (f) take effect.

(f) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(g) TRANSFERS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this section for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the end of the one-year period referred to in subsection (e)(2)(B).

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(h) FUNDING.—Of the amounts authorized to be appropriated for the Department of Defense for fiscal year 2008 for military personnel, $10,000,000 shall be for postal benefits provided in this section.

SA 5380. Mrs. CLINTON 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 G of title V, add the following:

SEC. 587. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1135. Cold War service medal

''(a) MEDAL AUTHORIZED.—The Secretary concerned shall issue a service medal, to be known as the 'Cold War service medal', to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

''(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War service medal:

''(1) A person who—

''(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

''(B) completed the person's initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

''(2) A person who—

''(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

''(B) completed the person's initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

''(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

''(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any person.

''(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person described in subsection (b) dies before being issued the Cold War service medal, the medal shall be issued to the person's representative, as designated by the Secretary concerned.

''(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

''(f) APPLICATION FOR MEDAL.—The Cold War service medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

''(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

''(h) COLD WAR DEFINED.—In this section, the term 'Cold War' means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.''.

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

''1135. Cold War service medal.''.

SA 5381. 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 G of title X, add the following:

SEC. 1083. SENSE OF THE SENATE ON THE USE OF OIL REVENUES IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) Congress has called on the Government of Iraq to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other citizens of Iraq in an equitable manner.

(2) The Government of Iraq has failed to pass national hydrocarbon revenue-sharing legislation to ensure the equitable distribution of oil revenues to the people of Iraq, a national security priority of the United States Government.

(3) The failure to pass such legislation leaves Iraq at great risk of suffering from the ''oil curse'', marked by declining economic growth, vast inequality, political repression, and continuing violence.

(4) According to the Government Accountability Office, the Government of Iraq will receive as much as $80,000,000,000 in oil revenues in 2008 and has a projected budget surplus for 2008 of almost $50,000,000,000.

(5) As of September 2008, the United States Government has spent approximately $48,000,000,000 on reconstruction projects in Iraq, while the Government of Iraq has spent roughly $4,000,000,000 on reconstruction projects.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of Iraq should immediately pass national hydrocarbon revenue-sharing legislation to ensure the equitable distribution of oil revenues in Iraq;

(2) the Government of Iraq should significantly increase its contribution to the funding of reconstruction projects in Iraq; and

(3) the United States Government, in the budget and appropriations process for fiscal years after fiscal year 2008, should reduce appropriations for reconstruction in Iraq by the amount of oil revenue that accrues to the Government of Iraq before the Government of Iraq enacts national hydrocarbon revenue-sharing legislation.

SA 5382. Mr. LAUTENBERG 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 XXVIII, add the following:

SEC. 2814. PROJECT MODIFICATION, BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.

(a) IN GENERAL.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey, authorized by section 101(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary of the Army, acting through the Chief of Engineers (referred to in this section as the ''Secretary''), to carry out, at Federal expense, such measures as the Secretary determines to be necessary and appropriate in the public interest to address the handling of munitions placed on the beach during construction of the project before the date of enactment of this Act.

(b) TREATMENT OF COSTS.—Any cost incurred by the Secretary in carrying out subsection (a) shall not be considered to be a cost of constructing the project.

(c) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for any cost incurred by the non-Federal interest with respect to the removal and handling of the munitions referred to in subsection (a).

(d) ELIGIBLE ACTIVITIES.—Measures authorized under subsection (a) include monitoring, removal, and disposal of the munitions referred to in subsection (a).

SA 5383. Mr. LAUTENBERG (for himself, Mr. CASEY, and Mr. MENENDEZ) 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 VI, add the following:

SEC. 620. MONTHLY SPECIAL PAY FOR MEMBERS OF THE UNIFORMED SERVICES WHOSE SERVICE ON ACTIVE DUTY IS EXTENDED BY A STOP-LOSS ORDER OR SIMILAR MECHANISM.

(a) PAY REQUIRED.—

(1) IN GENERAL.—Subchapter I of chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 330a. Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism

''(a) SPECIAL PAY.—A member of the uniformed services entitled to basic pay whose enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to the exercise of an authority referred to in subsection (b) is entitled while on active duty during the period of such extension or suspension to special pay in the amount specified in subsection (c).

''(b) AUTHORITIES.—An authority referred to in this section is an authority for the extension of an enlistment or period of obligated service, or for suspension of eligibility for retirement, of a member of the uniformed services under a provision of law as follows:

''(1) Section 123 of title 10.

''(2) Section 12305 of title 10.

''(3) Any other provision of law (commonly referred to as a 'stop-loss authority') authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

''(c) MONTHLY AMOUNT.—The amount of special pay specified in this subsection is $1,500 per month.

''(d) CONSTRUCTION WITH OTHER PAYS.—Special pay payable under this section is in addition to any other pay payable to members of the uniformed services by law.''.

(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 330 the following new item:

''330a. Special pay: members of the uniformed services whose service on active duty is extended by a stop-loss order or similar mechanism.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of October 1, 2001.

SA 5384. Mr. LAUTENBERG (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 end of subtitle A of title VII, add the following:

SEC. 702. LIMITATIONS ON ADJUSTMENTS TO BENEFICIARY FEES FOR MILITARY HEALTH CARE.

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

(1) Career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans.

(2) The nature and extent of these demands and sacrifices are never so evident as in wartime, not only during the current Global War on Terrorism, but also during the wars of the last 60 years when current retired members of the Armed Forces were on continuous call to go in harm's way when and as needed.

(3) The demands and sacrifices are such that few Americans are willing to bear or accept them for a multi-decade career.

(4) A primary benefit of enduring the extraordinary sacrifices inherent in a military career is a range of extraordinary retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years.

(5) Many private sector firms are curtailing health benefits and shifting significantly higher costs to their employees, and one effect of such curtailment is that retired members of the uniformed services are turning for health care services to the Department of Defense, and its TRICARE program, for the health care benefits in retirement that they earned by their service in uniform.

(6) While the Department of Defense has made some efforts to contain increases in the cost of the TRICARE program, a large part of those efforts has been devoted to shifting a larger share of the costs of benefits under that program to retired members of the uniformed services.

(7) The cumulative increase in enrollment fees, deductibles, and copayments being proposed by the Department of Defense for health care benefits under the TRICARE program far exceeds the percentage increase in military retired pay since such fees, deductibles, and copayments were first required on the part of retired members of the uniformed services.

(8) Proposals of the Department of Defense for increases in the enrollment fees, deductibles, and copayments of retired members of the uniformed services who are participants in the TRICARE program fail to recognize adequately that such members paid the equivalent of enormous in-kind premiums for health care in retirement through their extended sacrifices by service in uniform.

(9) Some of the Nation's health care providers refuse to accept participants in the TRICARE program as patients because that program pays them significantly less than commercial insurance programs, and imposes unique administrative requirements, for health care services.

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

(1) the Department of Defense and the Nation have a committed obligation to provide health care benefits to retired members of the uniformed services that exceeds the obligation of corporate employers to provide health care benefits to their employees;

(2) the Department of Defense has many additional options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services who participate or seek to participate in the TRICARE program, and should pursue any and all such options rather than seeking large increases for enrollment fees, deductibles, and copayments for such retirees, and their families or survivors, who do participate in that program;

(3) any percentage increase in fees, deductibles, and copayments that may be considered under the TRICARE program for retired members of the uniformed services and their families or survivors should not in any case exceed the percentage increase in military retired pay; and

(4) any percentage increase in fees, deductibles, and copayments under the TRICARE program that may be considered for members of the uniformed services who are currently serving on active duty or in the Selected Reserve, and for the families of such members, should not exceed the percentage increase in basic pay for such members.

(c) LIMITATIONS ON CERTAIN INCREASES IN HEALTH CARE COSTS.—

(1) PHARMACY BENEFITS PROGRAM.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS.—Section 702 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Section 1074g(a)(6) of title 10, United Stated Code, is amended by adding at the end the following new subparagraph:

''(C) Effective as of October 1, 2009, the amount of any cost sharing requirements under this paragraph may not be increased in any year by a percentage that exceeds the percentage increase of the most recent increase in retired pay for members and former members of the armed forces under section 1401a(b)(2) of this title. To the extent that such increase for any year is less than one dollar, the accumulated increase may be carried over from year to year, rounded to the nearest dollar.''.

(2) PREMIUMS FOR TRICARE STANDARD FOR RESERVE COMPONENT MEMBERS WHO COMMIT TO SERVICE IN THE SELECTED RESERVE.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN PREMIUMS.—Section 1076d(d)(3) of such title is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Such section is further amended—

(i) by striking ''The monthly amount'' and inserting ''(A) Subject to subparagraph (B), the monthly amount''; and

(ii) by adding at the end the following new subparagraph:

''(B) Effective as of October 1, 2009, the percentage increase in the amount of the premium in effect for a month for TRICARE Standard coverage under this section may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.''.

(3) COPAYMENTS UNDER CHAMPUS.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN CHARGES FOR INPATIENT CARE.—Paragraph (3) of section 1086(b) of such title is amended in the first sentence by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Such paragraph is further amended by inserting after the first sentence the following new sentence: ''Effective as of October 1, 2009, the percentage increase charges for inpatient care under this paragraph may not exceed a percentage equal to the percentage of the most recent increase in the rate of basic pay authorized for members of the uniformed services for a year.''

(4) PROHIBITION ON ENROLLMENT FEES FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

''(5) A person covered by subsection (c) may not be charged an enrollment fee for coverage under this section.''.

(5) AUTOMATIC ENROLLMENT FOR CERTAIN PERSONS UNDER CHAMPUS.—Section 1086(b) of such title is further amended by adding at the end the following new paragraph:

''(6) A person covered by subsection (c) shall not be subject to denial of claims for coverage under this section for failure to enroll for such coverage. To the extent enrollment may be required, enrollment shall be automatic for any such person filing a claim under this section.''.

(6) PREMIUMS AND OTHER CHARGES UNDER TRICARE.—

(A) ONE-YEAR EXTENSION OF TEMPORARY PROHIBITION ON INCREASE IN CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of such title is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(B) LIMITATION ON INCREASES AFTER FISCAL YEAR 2009.—Such section is further amended—

(i) by inserting ''(1)'' before ''The Secretary of Defense''; and

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

''(2) Effective as of October 1, 2009, the percentage increase in the amount of any premium, deductible, copayment, or other charge prescribed by the Secretary under this subsection may not exceed the percentage increase of the most recent increase in retired pay for members and former members of the armed forces under section 1041a(b)(2) of this title.''.

SA 5385. Mr. MENENDEZ 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 72, after line 20, add the following:

SEC. 314. REPORT ON COMPLIANCE WITH ADMINISTRATIVE ORDERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the steps that the Department of Defense has taken or plans to take, if any, to comply with any Unilateral Administrative Orders issued to the Department, or any component of the Department, in 2007 or 2008 by the Environmental Protection Agency under any of its imminent and substantial endangerment authorities. The report shall explain the legal basis for any decision by the Department of Defense, or any component of the Department of Defense, not to comply fully with any such order.

SA 5386. Mrs. CLINTON 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 G of title V, add the following:

SEC. 587. ENHANCEMENT OF PROTECTIONS FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS AGAINST SALE, FORECLOSURE, SEIZURE, OR SALE OF MORTGAGED PROPERTY.

(a) EXTENSION OF PERIOD AFTER MILITARY SERVICE COVERED BY GENERAL PROTECTIONS.—Section 303(c) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(c)) is amended by striking ''90 days'' and inserting ''one year''.

(b) ENHANCEMENT OF PROTECTIONS FOR MEMBERS OF THE ARMED FORCES WHO SERVE IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM AND THEIR DEPENDENTS.—

(1) SCOPE OF PROTECTIONS.—This subsection applies to an obligation on real or personal property owned by a covered member of the Armed Forces, or by a dependent of a covered member of the Armed Forces, regardless of whether entered into before, on, or after the member's entry onto military service, on which the covered member or dependent, as the case may be, is still obligated and that is secured by a mortgage, trust deed, or other security in the nature of a mortgage.

(2) SALE OR FORECLOSURE.—

(A) IN GENERAL.—A sale, foreclosure, or seizure of property for breach of an obligation described in paragraph (1) shall not be valid if made during, or within one year after, the military service of a covered member of the Armed Forces, or the military service of the covered member of the Armed Forces concerned in the case of a dependent of such a member.

(B) NO WAIVER.—The limitations of subparagraph (A) are not waivable by a covered member of the Armed Forces pursuant to section 107 of the Servicemembers Civil Relief Act (50 U.S.C. App. 517).

(3) PROHIBITION ON ACTIONS FOR NONPAYMENT OR DEFAULT.—No court shall have jurisdiction to hear any civil action against

a covered member of the Armed Forces or a dependent of a covered member of the Armed Forces for nonpayment or default on an obligation described in paragraph (1) during, or within 1 year after, the military service of the covered member or the covered member Armed Forces concerned, as the case may be.

(4) RESPONSIBILITIES OF OBLIGORS.—In the event a sale, foreclosure, or seizure of property for breach of an obligation described in paragraph (1) is prohibited by operation of paragraph (2) or (3), the obligor on the obligation shall—

(A) notify the covered member of the Armed Forces or dependent concerned, in writing, of the outstanding liability of the covered member or dependent, as the case may be, for principal and interest on the obligation; and

(B) if the obligor determines that a modification of the obligation or a reduction in the outstanding liability of the covered member or dependent for principal, interest, or both on the obligation is in the interest of the obligor and the covered member or dependent, as the case may be, notify the covered member or dependent, as the case may be, in writing, of—

(i) such determination; and

(ii) the actions to be taken by obligor and the covered member or dependent, as the case may be, to effectuate the modification or reduction.

(5) EFFECT OF PROTECTIONS ON FUTURE FINANCIAL TRANSACTIONS.—

(A) COVERED MEMBERS.—The application of paragraph (2), (3), (4), or (5) to an obligation described in paragraph (1) of a covered member of the Armed Forces shall be deemed to constitute the receipt by the covered member of a stay of a civil liability with respect to the obligation under the Servicemembers Civil Relief Act for purposes of section 108 of that Act (50 U.S.C. App. 518).

(B) DEPENDENTS.—In the event of the application of paragraph (2), (3), (4), or (5) to an obligation described in paragraph (1) of a dependent of a covered member of the Armed Forces, the dependent shall be deemed to be a servicemember receiving a stay of a civil liability with respect to the obligation under the Servicemembers Civil Relief Act for purposes of section 108 of that Act.

(6) PENALTIES.—The provisions of section 303(d) of the Servicemembers Civil Relief Act (50 U.S.C. 533(d)) shall apply to sales, foreclosures, and seizures of property, and attempted sales, foreclosures, and seizures of property, prohibited by paragraph (2).

(7) DEFINITIONS.—In this subsection:

(A) COVERED MEMBER OF THE ARMED FORCES.—The term ''covered member of the Armed Forces'' means a member of the Armed Forces, including a member of a Reserve component of the Armed Forces, who serves on active duty in the Armed Forces—

(i) in Iraq as part of Operation Iraqi Freedom; or

(ii) in Afghanistan as part of Operation Enduring Freedom.

(B) DEPENDENT.—The term ''dependent'', in the case of a covered member of the Armed Forces, has the meaning given that term in section 101(4) of the Servicemembers Civil Relief Act (50 U.S.C. App. 511(4)).

(C) MILITARY SERVICE.—The term ''military service'', in the case of a covered member of the Armed Forces, means service of the member on active duty in the Armed Forces—

(i) in Iraq as part of Operation Iraqi Freedom; or

(ii) in Afghanistan as part of Operation Enduring Freedom.

(8) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act.

SEC. 588. FINANCIAL SERVICES COUNSELING ON MORTGAGES AND MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES WHO SERVE IN OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM, VETERANS, AND THEIR DEPENDENTS.

(a) COUNSELING REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Housing and Urban Development, provide financial services counseling relating to mortgages and mortgage foreclosures to a veteran, covered member of the Armed Forces, or dependent of such veteran or covered member, upon request of such individual.

(2) PROVISION AT NO COST TO RECIPIENT.—Financial services counseling shall be provided under this section at no cost to the recipient.

(b) ANNUAL OUTREACH PLAN.—

(1) PLAN REQUIRED.—The Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Housing and Urban Development, develop and implement on an annual basis a plan for the provision of outreach to veterans, covered members of the Armed Forces, and their dependents on the financial services counseling available under this section.

(2) ELEMENTS.—Each plan under this subsection shall include—

(A) efforts to identify veterans, covered members of the Armed Forces, or dependents who are not otherwise enrolled in or registered for financial counseling services under other programs administered by the Secretary of Defense or the Secretary of Veterans Affairs; and

(B) provisions for informing veterans, covered members of the Armed Forces, and their dependents about loan modification programs, workout plans, foreclosure prevention, and other financial counseling programs available to them through the Department of Defense, the Department of Veterans Affairs, the Department of Housing and Urban Development, nonprofit organizations, and other Federal, State, and local initiatives.

(3) CONSULTATION.—In developing each plan under this subsection, the Secretary of Defense shall consult with, at a minimum, the following:

(A) Directors or other responsible officials of veterans service organizations.

(B) Representatives of other outreach programs for veterans.

(C) Nonprofit organizations.

(D) Other appropriate Federal, State, or local government agencies, individuals, or organizations.

(c) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term ''covered member of the Armed Forces'' means a member of the Armed Forces, including a member of a Reserve component of the Armed Forces, who serves on active duty in the Armed Forces—

(1) in Iraq as part of Operation Iraqi Freedom; or

(2) in Afghanistan as part of Operation Enduring Freedom.

SA 5387. Mr. BOND 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 division C, add the following:

TITLE XXXIII—INTELLIGENCE AUTHORIZATIONS

SEC. 3301. DEFINITIONS.

In this title:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) 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)).

Subtitle A—Budget and Personnel Authorizations

SEC. 3311. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 3312. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 3311 and, subject to section 3313, the authorized personnel levels as of September 30, 2009, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 3311, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Tenth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 3313. PERSONNEL LEVEL ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2009 by the classified Schedule of Authorizations referred to in section 3312(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 5 percent of the number

of civilian personnel authorized under such section for such element.

(b) TRANSITION TO FULL-TIME EQUIVALENCY.—

(1) TREATMENT FOR FISCAL YEAR 2009.—For fiscal year 2009, the Director of National Intelligence, in consultation with the head of each element of the intelligence community, may treat the personnel ceilings authorized under the classified Schedule of Authorizations referred to in section 3312(a) as full-time equivalents.

(2) CONSIDERATION.—In exercising the authority described in paragraph (1), the Director of National Intelligence may consider the circumstances under which civilian employees are employed and accounted for at each element of the intelligence community in—

(A) a student program, trainee program, or similar program;

(B) reserve corps or equivalent status as a reemployed annuitant or other employee;

(C) a joint duty rotational assignment; or

(D) other full-time or part-time status.

(3) NOTIFICATION TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall notify the congressional intelligence committees in writing of—

(A) the policies for implementing the authorities described in paragraphs (1) and (2); and

(B) the number of all civilian personnel employed by, or anticipated to be employed by, each element of the intelligence community during fiscal year 2009 accounted for—

(i) by position;

(ii) by full-time equivalency; or

(iii) by any other method.

(4) TREATMENT FOR FISCAL YEAR 2010.—The Director of National Intelligence shall express the personnel levels for all civilian employees for each element of the intelligence community in the congressional budget justifications submitted for fiscal year 2010 as full-time equivalent positions.

(c) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACTORS.—

(1) IN GENERAL.—In addition to the authority in subsection (a) and subject to paragraph (2), if the head of an element of the intelligence community makes a determination that activities currently being performed by contractor employees should be performed by employees of such element, the Director of National Intelligence may authorize for that purpose employment of additional full-time equivalent personnel in such element equal to the number of full-time equivalent contractor employees performing such activities.

(2) CONCURRENCE AND APPROVAL.—The authority described in paragraph (1) may not be exercised unless the Director of National Intelligence concurs with the determination described in such paragraph and the Director of the Office of Management and Budget approves such determination.

(d) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a) or (b).

SEC. 3314. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2009 the sum of $696,742,000.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 944 full-time or full-time equivalent personnel as of September 30, 2009. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The Director of National Intelligence may use the authorities described in subsections (a) and (c) of section 3313 for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2009 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 3312(a). Such additional amounts for advanced research and development shall remain available until September 30, 2010.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2009, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 3312(a).

Subtitle B—Central Intelligence Agency Retirement and Disability System

SEC. 3321. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2009 the sum of $279,200,000.

SA 5388. Mr. BOND 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. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) CONTENT OF REPORTS.—Clause (ii) of section 102A(q)(1)(C) of the National Security Act of 1947 (50 U.S.C. 403–1(q)(1)(C)) is amended by striking the period at the end and inserting ''that includes—

''(I) the current total acquisition cost for such system, and the history of such cost from the date the system was first included in a report under this clause to the end of the calendar quarter immediately proceeding the submittal of the report;

''(II) the current development schedule for such system, including an estimate of annual development costs until development is completed;

''(III) the planned procurement schedule for such system, including the best estimate of the Director of National Intelligence of the annual costs and units to be procured until procurement is completed;

''(IV) a full life-cycle cost analysis for such system;

''(V) the result of any significant test and evaluation of such system as of the date of the submittal of the report, or, if a significant test and evaluation has not been conducted, a statement of the reasons therefor and the results of any other test and evaluation that has been conducted of such system;

''(VI) the reasons for any change in acquisition cost, or schedule, for such system from the previous report under this clause, if applicable;

''(VII) each major contract related to such system; and

''(VIII) if there is any cost or schedule variance under a contract referred to in subclause (VII) since the previous report under this clause, the reasons for such cost or schedule variance.''.

(b) DETERMINATION OF INCREASE IN COSTS.—Subsection (q) of section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraph (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

''(3) Any determination of a percentage increase in the acquisition costs of a major system for which a report is filed under paragraph (1)(C)(ii) shall be stated in terms of constant dollars from the first fiscal year in which funds are appropriated for such system.''.

(c) DEFINITIONS.—Paragraph (5) of such subsection (q), as redesignated by subsection (b)(1) of this section, is amended to read as follows:

''(5) In this subsection:

''(A) The term 'acquisition cost', with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

''(B) The term 'full life-cycle cost', with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

''(C) The term 'intelligence program', with respect to the acquisition of a major system, means a program that—

''(i) is carried out to acquire such major system for an element of the intelligence community; and

''(ii) is funded in whole out of amounts available for the National Intelligence Program.

''(D) The term 'major contract,' with respect to a major system acquisition, means each of the 6 largest prime, subordinate, or government-furnished equipment contracts under the program that is in excess of $40,000,000 and that is not a firm, fixed price contract.

''(E) The term 'major system' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(F) The term 'significant test and evaluation' means the functional or environmental testing of a major system or of the subsystems that combine to create a major system.''.

SEC. 1084. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.

(a) NOTIFICATION.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

''SEC. 506B. (a) COST INCREASES OF AT LEAST 25 PERCENT.—(1)(A) On a continuing basis, and separate from the submission of any other report on a major system required by this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 25 percent as compared to the baseline cost of such major system.

''(B) Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has

occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

''(2)(A) If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 25 percent, the Director shall submit to the congressional intelligence committees a written notification of such determination as described in subparagraph (B), a description of the amount of the increase in the acquisition cost of such major system, and a certification as described in subparagraph (C).

''(B) The notification required by subparagraph (A) shall include—

''(i) an updated cost estimate;

''(ii) the date on which the determination covered by such notification was made;

''(iii) contract performance assessment information with respect to each significant contract or sub-contract related to such major system, including the name of the contractor, the phase of the contract at the time of the report, the percentage of work under the contract that has been completed, any change in contract cost, the percentage by which the contract is currently ahead or behind schedule, and a summary explanation of significant occurrences, such as cost and schedule variances, and the effect of such occurrences on future costs and schedules;

''(iv) the prior estimate of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

''(v) the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

''(vi) a statement of the reasons for any increases in the full life-cycle cost of such major system;

''(vii) the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such major system, stated both in constant dollars and current year dollars;

''(viii) the completion status of such major system expressed as the percentage—

''(I) of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

''(II) of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

''(ix) the action taken and proposed to be taken to control future cost growth of such major system; and

''(x) any changes made in the performance or schedule of such major system and the extent to which such changes have contributed to the increase in full life-cycle costs of such major system.

''(C) The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

''(i) the acquisition of such major system is essential to the national security;

''(ii) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

''(iii) the new estimates of the full life-cycle cost for such major system are reasonable; and

''(iv) the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

''(b) COST INCREASES OF AT LEAST 50 PERCENT.—(1)(A) On a continuing basis, and separate from the submission of any report on a major system required by section 506B of this Act, the program manager shall determine if the acquisition cost of such major system has increased by at least 50 percent as compared to the baseline cost of such major system.

''(B) Not later than 10 days after the date that a program manager determines that an increase described in subparagraph (A) has occurred, the program manager shall submit to the Director of National Intelligence notification of such increase.

''(2) If, after receiving a notification described in paragraph (1)(B), the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 50 percent as compared to the baseline cost of such major system, the Director shall submit to the congressional intelligence committees a written certification stating that—

''(A) the acquisition of such major system is essential to the national security;

''(B) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

''(C) the new estimates of the full life-cycle cost for such major system are reasonable;

''(D) the management structure for the acquisition of such major system is adequate to manage and control the full life-cycle cost of such major system; and

''(E) if milestone decision authority had been delegated to the program manager, such authority is revoked and returned to the Director, except with respect to Department of Defense programs, such authority is revoked and returned to the Director and the Secretary of Defense, jointly.

''(3) In addition to the certification required by paragraph (2), the Director of National Intelligence shall submit to the congressional intelligence committees an updated notification, with current accompanying information, as required by subsection (a)(2).

''(c) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If a written certification required under subsection (a)(2)(A) is not submitted to the congressional intelligence committees within 60 days of the determination made under subsection (a)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2)(A).

''(2) If a written certification required under subsection (b)(2) is not submitted to the congressional intelligence committees within 60 days of the determination made under subsection (b)(2), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(3).

''(d) DEFINITIONS.—In this section:

''(1) The term 'acquisition cost', with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

''(2) The term 'baseline cost', with respect to a major system, means the projected acquisition cost of such system that is approved by the Director of National Intelligence at Milestone B or an equivalent acquisition decision for the development, procurement, and construction of such system. The baseline cost may be in the form of an independent cost estimate.

''(3) The term 'full life-cycle cost', with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

''(4) The term 'independent cost estimate' has the meaning given that term in section 506A(e).

''(5) The term 'major system' has the meaning given that in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(6) The term 'Milestone B' means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

''(7) The term 'program manager', with respect to a major system, means—

''(A) the head of the element of the intelligence community which is responsible for the budget, cost, schedule, and performance of the major system; or

''(B) in the case of a major system within the Office of the Director of National Intelligence, the deputy who is responsible for the budget, cost, schedule, and performance of the major system.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

''Sec. 506B. Excessive cost growth of major systems.''.

SA 5389. Mr. BOND 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. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

''SEC. 506B. (a) INITIAL VULNERABILITY ASSESSMENTS.—The Director of National Intelligence shall conduct an initial vulnerability assessment for any major system and its significant items of supply that is proposed for inclusion in the National Intelligence Program prior to completion of Milestone B or an equivalent acquisition decision. The initial vulnerability assessment of a major system and its significant items of supply shall, at a minimum, use an analysis-based approach to—

''(1) identify vulnerabilities;

''(2) define exploitation potential;

''(3) examine the system's potential effectiveness;

''(4) determine overall vulnerability; and

''(5) make recommendations for risk reduction.

''(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall conduct subsequent vulnerability assessments of each major system

and its significant items of supply within the National Intelligence Program—

''(A) periodically throughout the life span of the major system;

''(B) whenever the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment; or

''(C) upon the request of a congressional intelligence committee.

''(2) Any subsequent vulnerability assessment of a major system and its significant items of supply shall, at a minimum, use an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in paragraphs (1) through (5) of subsection (a).

''(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the annual consolidated National Intelligence Program budget.

''(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) not later than 10 days after the date of the completion of such assessment.

''(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent vulnerability assessments of a major system under subsection (b) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by subsection (d).

''(3) The results of vulnerability assessments conducted under subsection (b) shall be included in the report to Congress required by section 102A(q).

''(e) DEFINITIONS.—In this section:

''(1) The term 'items of supply'—

''(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including spare parts and replenishment parts; and

''(B) does not include packaging or labeling associated with shipment or identification of items.

''(2) The term 'major system' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(3) The term 'Milestone B' means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.

''(4) The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its significant items of supply.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

''Sec. 506B. Vulnerability assessments of major systems.''.

SA 5390. Mr. BOND 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. ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking ''2004,'' and inserting ''2004 (Public Law 108–458; 50 U.S.C. 403 note),''; and

(B) by striking the period at the end and inserting a semicolon and ''and''; and

(3) by adding after paragraph (3), the following new paragraph:

''(4) conduct accountability reviews of elements of the intelligence community and the personnel of such elements, if appropriate.''.

(b) TASKING AND OTHER AUTHORITIES.—Subsection (f) of section 102A of such Act (50 U.S.C. 403–1) is amended—

(1) by redesignating paragraphs (7) and (8), as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6), the following new paragraph:

''(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct an accountability review of an element of the intelligence community or the personnel of such element in relation to a failure or deficiency within the intelligence community.

''(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting an accountability review under subparagraph (A).

''(C)(i) The Director of National Intelligence shall provide the findings of an accountability review conducted under subparagraph (A) and the Director's recommendations for corrective or punitive action, if any, to the head of the applicable element of the intelligence community. Such recommendations may include a recommendation for dismissal of personnel.

''(ii) If the head of such element does not implement a recommendation made by the Director under clause (i), the head of such element shall submit to the congressional intelligence committees a notice of the determination not to implement the recommendation, including the reasons for the determination.

''(D) The requirements of this paragraph shall not limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.''.

SA 5391. Mr. BOND 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. FUTURE BUDGET PROJECTIONS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''FUTURE BUDGET PROJECTIONS

''SEC. 506B. (a) FUTURE YEAR INTELLIGENCE PLANS.—(1) The Director of National Intelligence, with the concurrence of the Office of Management and Budget, shall provide to the congressional intelligence committees a Future Year Intelligence Plan, as described in paragraph (2), for—

''(A) each expenditure center in the National Intelligence Program; and

''(B) each major system in the National Intelligence Program.

''(2)(A) A Future Year Intelligence Plan submitted under this subsection shall include the year-by-year proposed funding for each center or system referred to in subparagraph (A) or (B) of paragraph (1), for the budget year in which the Plan is submitted and not less than the 4 subsequent budget years.

''(B) A Future Year Intelligence Plan submitted under subparagraph (B) of paragraph (1) for a major system shall include—

''(i) the estimated total life-cycle cost of such major system; and

''(ii) any major acquisition or programmatic milestones for such major system.

''(b) LONG-TERM BUDGET PROJECTIONS.—(1) The Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide to the congressional intelligence committees a Long-term Budget Projection for each element of the National Intelligence Program acquiring a major system that includes the budget for such element for the 10-year period following the last budget year for which proposed funding was submitted under subsection (a)(2)(A).

''(2) A Long-term Budget Projection submitted under paragraph (1) shall include, at a minimum, projections for the appropriate element of the intelligence community for—

''(A) pay and benefits of officers and employees of such element;

''(B) other operating and support costs and minor acquisitions of such element;

''(C) research and technology required by such element;

''(D) current and planned major system acquisitions for such element; and

''(E) any unplanned but necessary next-generation major system acquisitions for such element.

''(c) SUBMISSION TO CONGRESS.—Each Future Year Intelligence Plan or Long-term Budget Projection required under subsection (a) or (b) shall be submitted to Congress along with the budget for a fiscal year submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

''(d) CONTENT OF LONG-TERM BUDGET PROJECTIONS.—(1) Each Long-term Budget Projection submitted under subsection (b) shall include—

''(A) a budget projection based on constrained budgets, effective cost and schedule execution of current or planned major system acquisitions, and modest or no cost-growth for undefined, next-generation systems; and

''(B) a budget projection based on constrained budgets, modest cost increases in executing current and planned programs, and more costly next-generation systems.

''(2) Each budget projection required by paragraph (1) shall include a description of whether, and to what extent, the total projection for each year exceeds the level that would result from applying the most recent Office of Management and Budget inflation estimate to the budget of that element of the intelligence community.

''(e) INCREASE IN FUTURE BUDGET PROJECTIONS.—(1) Not later than 30 days prior to the date that an element of the intelligence community may proceed to Milestone A, Milestone B, or an analogous stage of system development, in the acquisition of a major

system in the National Intelligence Program, the Director of National Intelligence, with the concurrence of the Director of the Office of Management and Budget, shall provide a report on such major system to the congressional intelligence committees.

''(2)(A) A report submitted under paragraph (1) shall include an assessment of whether, and to what extent, such acquisition, if developed, procured, and operated, is projected to cause an increase in the most recent Future Year Intelligence Plan and Long-term Budget Projection for that element of the intelligence community.

''(B) If an increase is projected under subparagraph (A), the report required by this subsection shall include a specific finding, and the reasons therefor, by the Director of National Intelligence and the Director of the Office of Management and Budget that such increase is necessary for national security.

''(f) DEFINITIONS.—In this section:

''(1) The term 'major system' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(2) The term 'Milestone A' means a decision to enter into concept refinement and technology maturity demonstration pursuant to guidance issued by the Director of National Intelligence.

''(3) The term 'Milestone B' means a decision to enter into system development, integration, and demonstration pursuant to guidance prescribed by the Director of National Intelligence.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

''Sec. 506F. Future budget projections.''.

(c) DEFINITION OF MAJOR SYSTEM.—Paragraph (3) of section 506A(e) of the National Security Act of 1947 (50 U.S.C. 415a–1(e)) is amended to read as follows:

''(3) The term 'major system' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).''.

SA 5392. Mr. BOND 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. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''SEC. 506B. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

''(a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year along with the budget submitted by the President under section 1105 of title 31, United States Code.

''(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

''(1) The budget submission for personnel costs for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

''(4) The number of personnel positions requested for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

''(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

''(7) The best estimate of the number and costs of contractors to be funded by the element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors of the current fiscal year.

''(9) A written justification for the requested personnel and contractor levels.

''(10) The number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

''(11) A list of all contractors that have been the subject of an investigation completed by the Inspector General of any element of the intelligence community during the preceding fiscal year, or are or have been the subject of an investigation by such an Inspector General during the current fiscal year.

''(12) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

''(A) internal infrastructure to support the requested personnel and contractor levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 506A the following new item:

''Sec. 506B. Annual personnel levels assessment for the intelligence community.''.

SA 5393. Mr. BARRASSO (for himself and Mr. ENZI) 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, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the County of Laramie, Wyoming (in this section referred to as the ''County'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) shall include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) NOTICE TO CONGRESS.—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, 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. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County 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) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the

County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(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 and implementing the receipt of in-kind consideration. 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.

(e) 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.

(f) 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 5394. Mr. CHAMBLISS 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 V, add the following:

SEC. 539. REPORT ON REQUIREMENTS OF THE NATIONAL GUARD FOR NON-DUAL STATUS TECHNICIANS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the following:

(1) A description of the current requirements of the National Guard for non-dual status technicians

(2) A description of various means of addressing any shortfalls in meeting such requirements, including both temporary shortfalls and permanent shortfalls.

(b) CONSIDERATIONS.—The report required by subsection (a) shall take into consideration the effects of the mobilization of large numbers of National Guard military technicians (dual status) on the readiness of National Guard units in critically important areas and on the capacity of the National Guard to continue performing home-based missions and responsibilities for the States.

SA 5395. Mr. VOINOVICH (for himself and 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:

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

SEC. 2842. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio. In making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the gift be utilized solely for the purpose of the design and construction of a particular portion of the building.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the ''Director''), shall deposit the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in the escrow account not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account upon termination shall be available to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF GIFTS.—

(1) DESIGN AND CONSTRUCTION.—The Director shall use amounts in the escrow account, including income on investments, to pay the costs of the design and construction of a fourth building for the National Museum of the United States Air Force, including progress payments for such design and construction, subject to any conditions imposed by the Air Force Museum Foundation under subsection (a). Amounts in the account shall be available to the Director, in such amounts as are provided in advance in appropriations Acts, until expended.

(2) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

SA 5396. Mr. VOINOVICH (for himself and 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:

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

SEC. 2842. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio. In making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the gift be utilized solely for the purpose of the design and construction of a particular portion of the building.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the ''Director''), shall deposit the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in the escrow account not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account upon termination shall be available to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF GIFTS.—

(1) DESIGN AND CONSTRUCTION.—The Director shall use amounts in the escrow account, including income on investments, to pay the costs of the design and construction of a fourth building for the National Museum of the United States Air Force, including progress payments for such design and construction, subject to any conditions imposed by the Air Force Museum Foundation under subsection (a). Amounts in the account shall be available to the Director, in such amounts as are provided in advance in appropriations Acts, until expended.

(2) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

SA 5397. Mr. VOINOVICH (for himself and 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 B of title XII, add the following:

SEC. 1215. AVAILABILITY OF APPROPRIATED FUNDS FOR INTERNATIONAL MILITARY-TO-CIVILIAN AND CIVILIAN-TO-CIVILIAN CONTACT ACTIVITIES CONDUCTED BY THE NATIONAL GUARD.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, as amended by section 1202 of this Act, is further amended by inserting after section 2249d the following new section:

"§ 2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds

''(a) AVAILABILITY OF APPROPRIATED FUNDS.—Funds appropriated to the Department of Defense shall be available for the payment of costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting international military-to-civilian contacts, civilian-to-civilian contacts, and comparable activities for purposes as follows:

''(1) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

''(2) To build international civil-military partnerships and capacity.

''(3) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments.

''(4) To facilitate intergovernmental collaboration between the United States Government and foreign governments.

''(5) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

''(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for contacts and activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

''(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in contacts and activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

''(c) REIMBURSEMENT.—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in contacts and activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

''(d) DEFINITIONS.—In this section:

''(1) The term 'military-to-civilian contacts' means the following:

''(A) Contacts between members of the armed forces and foreign civilian personnel.

''(B) Contacts between members of foreign armed forces and United States civilian personnel.

''(2) The term 'civilian-to-civilian contacts' means contacts between United States civilian personnel and foreign civilian personnel.

''(3) The term 'United States civilian personnel' means the following:

''(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

''(B) Members and employees of the legislative branch, and non-governmental individuals, if the participation of such individuals in contacts and activities described in subsection (a)—

''(i) contributes to responsible management of defense resources;

''(ii) fosters greater respect for and understanding of the principle of civilian control of the military;

''(iii) contributes to cooperation between foreign military and civilian government agencies and United States military and civilian governmental agencies; or

''(iv) improves international partnerships and capacity on matters relating to defense and security.

''(4) The term 'foreign civilian personnel' means the following:

''(A) Civilian personnel of foreign governments at any level (including personnel of ministries other than ministries of defense).

''(B) Non-governmental individuals of foreign countries, if the participation of such individuals in contacts and activities described in subsection (a) will further the achievement of any matter set forth in clauses (i) through (iv) of paragraph (3)(B).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 134 of such title, as so amended, is further amended by inserting after the item relating to section 2249d the following new item:

''2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds.''.

SA 5398. Mr. VOINOVICH (for himself and 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 B of title XII, add the following:

SEC. 1215. AVAILABILITY OF APPROPRIATED FUNDS FOR INTERNATIONAL MILITARY-TO-CIVILIAN AND CIVILIAN-TO-CIVILIAN CONTACT ACTIVITIES CONDUCTED BY THE NATIONAL GUARD.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, as amended by section 1202 of this Act, is further amended by inserting after section 2249d the following new section:

"§ 2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds

''(a) AVAILABILITY OF APPROPRIATED FUNDS.—Funds appropriated to the Department of Defense shall be available for the payment of costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting international military-to-civilian contacts, civilian-to-civilian contacts, and comparable activities for purposes as follows:

''(1) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

''(2) To build international civil-military partnerships and capacity.

''(3) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments.

''(4) To facilitate intergovernmental collaboration between the United States Government and foreign governments.

''(5) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

''(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for contacts and activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

''(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in contacts and activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

''(c) REIMBURSEMENT.—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in contacts and activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

''(d) DEFINITIONS.—In this section:

''(1) The term 'military-to-civilian contacts' means the following:

''(A) Contacts between members of the armed forces and foreign civilian personnel.

''(B) Contacts between members of foreign armed forces and United States civilian personnel.

''(2) The term 'civilian-to-civilian contacts' means contacts between United States civilian personnel and foreign civilian personnel.

''(3) The term 'United States civilian personnel' means the following:

''(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

''(B) Members and employees of the legislative branch, and non-governmental individuals, if the participation of such individuals in contacts and activities described in subsection (a)—

''(i) contributes to responsible management of defense resources;

''(ii) fosters greater respect for and understanding of the principle of civilian control of the military;

''(iii) contributes to cooperation between foreign military and civilian government agencies and United States military and civilian governmental agencies; or

''(iv) improves international partnerships and capacity on matters relating to defense and security.

''(4) The term 'foreign civilian personnel' means the following:

''(A) Civilian personnel of foreign governments at any level (including personnel of ministries other than ministries of defense).

''(B) Non-governmental individuals of foreign countries, if the participation of such individuals in contacts and activities described in subsection (a) will further the achievement of any matter set forth in clauses (i) through (iv) of paragraph (3)(B).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 134 of such title, as so amended, is further amended by inserting after the item relating to section 2249d the following new item:

''2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds.''.

SA 5399. Mrs. CLINTON 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 G of title V, add the following:

SEC. 587. IMPROVEMENT OF POLICIES AND PRACTICES OF THE ARMED FORCES REGARDING PREVENTION AND RESPONSE TO SEXUAL ASSAULT AND RAPE.

(a) STRATEGY TO ENCOURAGE INVESTIGATION AND PROSECUTION OF CASES.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall develop a comprehensive strategy to increase and encourage the prevention, investigation, and prosecution of cases of sexual assault and rape in the Armed Forces.

(2) BASIS FOR STRATEGY.—The strategy required by paragraph (1) shall be based on the following:

(A) An analysis of trends in the prevention and reporting of cases of sexual assaults and rape in the Armed Forces.

(B) A review of current training methods for all personnel involved in military investigations of cases of sexual assault and rape in the Armed Forces, including judge advocate general staff.

(C) A review of the capacity of the legal infrastructure of the Armed Forces to investigate and prosecute effectively cases of sexual assault in the Armed Forces.

(D) An identification and analysis of any additional barriers, such as the availability of staff and the adequacy of resources, on military installations and facilities in the United States and abroad, and in theaters of operations, to conduct effective investigations of cases of sexual assault and rape in the Armed Forces.

(E) A review of the disposition of cases of sexual assault and rape in the Armed Forces.

(F) Such other matters as the Secretary considers appropriate.

(3) ELEMENTS.—The strategy required by paragraph (1) shall include the following:

(A) Guidelines for expanding, enhancing, and developing programs for the Armed Forces on prevention and response to sexual assault and rape that use proven best-practice methods, support victims of sexual assault or rape, and focus on creating a culture with zero tolerance for sexual assault and rape.

(B) A plan for increased oversight of existing programs of the Armed Forces on prevention and response to sexual assault and rape, including the establishment of—

(i) performance metrics to evaluate the effectiveness of such programs; and

(ii) a timeline for the implementation of such metrics.

(C) In light of the review under paragraph (2)(B), recommendations for improvements to training described in that paragraph, and a timeline for the implementation of new training methods as a result of such review.

(D) A plan for increased communication and data sharing between the Sexual Assault Prevention and Response Office and other components of the Armed Forces, on the one hand, and the Department of Defense, on the other, to enhance coordination and oversight of cases of sexual assault and rape in the Armed Forces as such cases move through the legal process.

(E) In light of the review under paragraph (2)(C), recommendations for improvements to the legal infrastructure of the Armed Forces to ensure that the capacity of such infrastructure is adequate to meet the needs of victims of sexual assault in the Armed Forces.

(F) In light of the review under paragraph (2)(D), recommendations for ways to eliminate the barriers identified under that paragraph.

(G) Such other matters as the Secretary considers appropriate.

(b) POLICIES REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe policies for the Armed Forces as follows:

(1) To require military commanders to report on the outcomes of cases of sexual assault and rape in units under their command, including—

(A) a description of the actions taken to punish assailants;

(B) a description of any retaliatory measures experienced by victims; and

(C) a detailed justification for disposing of such cases through nonjudicial punishment or other administrative actions.

(2) To classify a military protective order as a standing military order, with such order to be overturned only after an investigation has occurred and appropriate command authorities have completely adjudicated allegations.

(3) To require notification to appropriate local civilian law enforcement agencies on any military protective order issued at a military installation to provide continuity of protection to victims of sexual assault or rape in the Armed Forces.

(4) To require that each member of the Armed Forces who has notified the member's command that the member has been sexually assaulted or raped is afforded an opportunity to be transferred to another unit if a military protective order is issued.

SA 5400. 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:

On page 309, after line 20, add the following:

SEC. 1068. IMPROVEMENT OF INFORMATION FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES ON UPGRADES OF DISCHARGE.

(a) CLARIFICATION AND IMPROVEMENT OF INFORMATION.—

(1) REQUIRED NOTICES.—

(A) NOTICE THAT UPGRADE IS NOT AUTOMATIC.—

(i) IN GENERAL.—Each member of the Armed Forces who is being considered for or processed for an administrative or any other type of discharge shall receive written notice that an upgrade in the characterization of discharge will not automatically result from review of the discharge by a board of review under section 1533 of title 10, United States Code. The notice shall be dated and shall be provided to the member at least 30 days prior to any deadline to elect a particular characterization or type of discharge or manner of processing.

(ii) RELATED CLARIFICATION.—The notice of discharge issued to a member of the Armed Forces upon discharge may not contain or include any information, references, or other material that is inconsistent with the notice required under clause (i).

(B) NOTICE OF RIGHT TO OBTAIN LEGAL COUNSEL.—

(i) IN GENERAL.—The written notice required under subparagraph (A) shall also advise the member in bold letters that the member has the right to meet with and discuss his or her discharge options with military legal counsel prior to electing a characterization or type of discharge or manner of processing. The notice must provide the name, rank, phone number, email address, and physical address of the military legal counsel responsible for providing legal advice to members.

(ii) DELAY IN PROCESSING.—Processing for the discharge of a member of the Armed Forces cannot proceed until the member has either met with military legal counsel or elected in writing not to do so. A member must be given at least 5 duty days after meeting with military legal counsel to make an election regarding characterization or type of discharge or manner of processing.

(C) ACKNOWLEDGMENT OF RECEIPT OF NOTICE.—A member of the Armed Forces receiving notices under subparagraphs (A) and (B) shall be required to acknowledge receipt of such notices by placement of his or her initials or other identifying sign or symbol next to the paragraph or paragraphs that contain such notices. The member shall be provided with a copy of the initialed notices, and a copy of such notices shall be retained in any personnel or other files maintained on such member by the Armed Forces.

(2) ENHANCEMENT OF INFORMATION ON APPLICATION FOR UPGRADE OF DISCHARGE.—Each Secretary concerned shall make available to the public through an Internet website available to the public and by other appropriate mechanisms, information on the means by which former members of the Armed Forces

under the jurisdiction of such Secretary may apply for a review and upgrade of their discharge from the Armed Forces under section 1553 of title 10, United States Code.

(3) ANNUAL REPORTS ON ACTIONS BY BOARDS OF REVIEW.—

(A) IN GENERAL.—Each Secretary concerned shall, on an annual basis, make available to the public information on the reviews of discharge or dismissal undertaken under section 1553 of title 10, United States Code, by boards of review under the jurisdiction of such Secretary during the preceding year. The information shall include, for each Armed Force, the following:

(i) The number of motions for review received by the boards of review during the year.

(ii) The number of reviews conducted by the boards of review during the year.

(iii) The number of discharges upgraded as a result of the reviews referred to in clause (i), set forth by aggregate number of discharges so upgraded and by number of each type of discharge so upgraded.

(B) PROTECTION OF PRIVATE INFORMATION.—Each Secretary concerned shall ensure that the information on reviews made available to the public under subparagraph (A) does not include any personal information regarding the members of the Armed Forces the discharges and dismissals of whom are the subject of such reviews.

(4) SECRETARY CONCERNED DEFINED.—In this subsection, the term ''Secretary concerned'' has the meaning given that term in section 101(a) of title 10, United States Code.

(b) ENHANCEMENT OF NOTICE TO MEMBERS OF THE ARMED FORCES ON CONSEQUENCES OF DISCHARGE STATUS FOR BENEFITS AND SERVICES THROUGH THE FEDERAL GOVERNMENT.—

(1) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that each member of the Armed Forces receives at the time of discharge from the Armed Forces comprehensive information, in writing, on the effect of the discharge status of such member on the benefits and services available to such member through the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Federal Government providing benefits or services to individuals in their status as former members of the Armed Forces.

(2) INFORMATION ON UPGRADE OF DISCHARGE.—The information provided pursuant to paragraph (1) shall include the information described in subsection (a)(2).

(c) REQUIREMENT TO TEST MEMBERS OF THE ARMED FORCES FOR CERTAIN INJURIES AND CONDITIONS BEFORE DISCHARGING FOR PERSONALITY DISORDERS.—

(1) TESTING REQUIREMENT.—The Secretary of a military department may not discharge from the Armed Forces for personality disorder any member of the Armed Forces unless such member has undergone testing by the Department of Defense for post-traumatic stress disorder, traumatic brain injury, and any related mental health disorder or injury prior to final action with respect to such discharge.

(2) RESTRICTIONS ON DISCHARGE FOR PERSONALITY DISORDER.—The Secretary of a military department may not discharge from the Armed Forces for personality disorder a member of the Armed Forces determined by the Secretary of Defense to suffer from post-traumatic stress disorder, traumatic brain injury, or any related mental health disorder or injury.

(d) WAIVER OF STATUTE OF LIMITATIONS APPLICABLE TO CERTAIN REVIEWS OF DISCHARGES FOR PERSONALITY DISORDERS.—Section 1553(a) of title 10, United States Code, is amended—

(1) in the second sentence, by striking ''A motion or request for review'' and inserting ''Except as provided in the following sentence, a motion or request for review''; and

(2) by inserting after the second sentence the following: ''The Secretary of Defense shall waive the 15 year time limit specified in the preceding sentence in the case of a motion or request for review of a discharge for personality disorder of a former member who has been diagnosed by the Secretary of Veterans Affairs with post-traumatic stress disorder, traumatic brain injury, or any related mental health disorder or injury.''.

(e) APPLICABILITY.—Nothing in this section or the amendments made by this section shall be construed to authorize or require the upgrade of a bad conduct discharge or dishonorable discharge imposed on a member of the Armed Forces as the result of a conviction by court-martial, unless the conviction is overturned on appeal.

SA 5401. 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 G of title V, add the following:

SEC. 587. EQUITY IN THE AWARD OF MILITARY DECORATIONS AND CITATIONS FOR SERVICE IN THE ARMED FORCES SINCE MARCH 20, 2003.

(a) IN GENERAL.—The Secretary of Defense shall take appropriate actions to ensure that each member and unit of the Armed Forces (including members and units of the National Guard and Reserve) that has served in the Armed Forces since March 20, 2003, is awarded each decoration, medal, citation, commendation, or other military award to which such member or unit is entitled by reason of service in the Armed Forces since that date.

(b) AUDIT OF AWARDS.—In furtherance of meeting the requirement in subsection (a), the Secretary shall provide for a comprehensive audit of the decorations, medals, citations, commendations, and other military awards awarded for service in the Armed Forces since March 20, 2003, in order to determine whether any decorations, medals, citations, commendations, or other awards to be awarded as described in that subsection have yet to be awarded.

(c) PROCEDURES FOR EXPEDITED REVIEW OF CERTAIN AWARDS.—

(1) IN GENERAL.—Each Secretary of a military department shall establish procedures to provide for the expedited review by general officers or flag officers, as applicable, of recommendations for the award by such military department of decorations medals, badges, or other military awards for service in combat or under hostile fire that require the approval of a general or flag officer.

(2) CONSULTATION.—The Secretary of the Army and the Secretary of the Air Force shall each consult with the adjutants general of the States under the jurisdiction of such Secretary in establishing procedures under paragraph (1).

(d) REPORT ON PROGRESS IN AWARD.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a reports on the progress made in the award of decorations, medals, citations, commendations, and other military awards as described in that subsection.

SA 5402. Mr. BROWN (for himself and Mr. VOINOVICH) 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, GEORGE F. PENNINGTON UNITED STATES ARMY RESERVE CENTER, MARION, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Marion County, Ohio (in this section referred to as the ''County''), all right, title, and interest of the United State in and to a parcel of real property, including improvements thereon, consisting of approximately 5.3 acres located at the George F. Pennington United States Army Reserve Center, 2164 Harding Way Highway East, Marion, Ohio, for public benefit.

(b) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County 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, related to the conveyance. If amounts are collected from the County 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 County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) 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.

(c) DESCRIPTION OF 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.

(d) ADDITIONAL TERM 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 5403. 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 180 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. 1) was accomplished using competitive procedures. 2) provided individual users the flexibility of using phone cards from other phone card companies.

(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.

SA 5404. Mrs. CLINTON (for herself and Mr. ENSIGN) 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 342, between lines 10 and 11, insert the following:

SEC. 1208. SUPPORT FOR AN IRAQ OIL TRUST.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) the people of Iraq should benefit directly from a share of the revenues generated by the hydrocarbon resources of their country; and

(2) the United States Government should present a plan and provide capacity and economic assistance for the implementation of an Iraq oil trust.

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

(1) the future of Iraq's oil reserves remains at the heart of political reconciliation in Iraq;

(2) ensuring that individual Iraqis benefit directly from hydrocarbon revenues is critical to promoting reconciliation and facilitating sustainable stability in Iraq;

(3) the development and implementation of an oil trust could provide significant benefits to Iraq and its citizens, including by—

(A) helping to demonstrate the values at the heart of democratic governance by giving Iraqi citizens a direct stake in the responsible and transparent management of the hydrocarbon resources of Iraq and the use and distribution of hydrocarbon revenues;

(B) helping to diffuse the degree and concentration of control of the revenues generated from hydrocarbon resources, thereby reducing the opportunity for and magnitude of corruption;

(C) facilitating ''bottom-up'' private sector development, which will be critical to Iraq's future prosperity and economic diversity, by putting revenues from the oil resources of Iraq directly in the hands of its citizens;

(D) helping to alleviate the incentive for smuggling or sabotage by providing individual citizens a direct stake in the amount of Iraqi oil that is legally produced and sold;

(E) contributing to sustainable security by providing individuals monetary-resource alternatives to cooperating with militias, extremists, and other extra-legal entities;

(F) providing additional income directly to individual citizens, thereby stimulating entrepreneurship and reducing the reliance on the ability of the central and provincial governments to deliver basic services and execute their budgets; and

(G) serving as a model for revenue distribution to other resource-rich countries in the Middle East; and

(4) the United States should provide assistance to Iraq for implementation of an oil trust.

(c) UNITED STATES ASSISTANCE TO IRAQ.—

(1) PURPOSE.—The purpose of this subsection is to stipulate limitations on United States assistance to Iraq for reconstruction purposes.

(2) LIMITATION.—

(A) IN GENERAL.—Unless the Secretary of State submits to the appropriate congressional committees the certification described in subsection (d) within 90 days after the date of the enactment of this Act, 10 percent of United States assistance described in subparagraph (D) that is otherwise available to Iraq through the Economic Support Fund shall be withheld.

(B) ADDITIONAL WITHHOLDING OF FUNDS.—An additional 10 percent of United States assistance described in subparagraph (D) that is otherwise available to Iraq through the Economic Support Fund shall be withheld for each additional 30 days after funds are withheld under subparagraph (A) until the Secretary of State makes the certification described in subsection (d).

(C) RELEASE OF WITHHELD FUNDS.—Any funds withheld under subparagraphs (A) and (B) shall be made available upon submission by the Secretary of State of the certification described in subsection (d).

(D) COVERED ASSISTANCE.—The assistance referred to in subparagraphs (A) and (B) are the following funds:

(i) Provincial Reconstruction Development Council Funds.

(ii) Operations and Maintenance Sustainment.

(iii) Targeted Development Program.

(d) CERTIFICATION.—The certification referred to in subsection (c) is a certification submitted by the Secretary of State to the appropriate congressional committees that—

(1) certifies that representatives of the United States Government have presented to Government of Iraq representatives an oil trust plan that includes—

(A) background on oil trusts, including those currently used by sovereign nations or territories and states within nations; and

(B) options for different types of oil trusts that could be implemented in Iraq; and

(2) includes a discussion on the steps necessary to implement an oil trust.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 5405. Mr. DEMINT 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:

Strike section 1002.

SA 5406. Mr. LEAHY (for himself, Mr. BOND, Mr. FEINGOLD, Mr. BROWN, Ms. KLOBUCHAR, Mr. HARKIN, Mr. JOHNSON, Mr. CASEY, Mr. BYRD, Mr. GRASSLEY, Mr. SMITH, Mr. CARDIN, and Mr. CRAIG) 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 division A, add the following:

TITLE XVII—NATIONAL GUARD EMPOWERMENT AND RELATED MATTERS

SEC. 1701. SHORT TITLE.

This title may be cited as the ''National Guard Empowerment and State-National Defense Integration Act of 2008''.

SEC. 1702. EXPANDED AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) The Chief of the National Guard Bureau.''.

(2) CONFORMING AMENDMENT.—Section 10502 of such title is amended—

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

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

''(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.''.

(b) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

''(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

''(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

''(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.''.

SEC. 1703. EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of title 10, United States Code, is amended by inserting after section 10503 the following new section:

"§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

''(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

''(1) identify gaps between Federal and State military capabilities to prepare for and respond to emergencies; and

''(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

''(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

''(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

''(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

''(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

''(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

''(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

''(d) CONSULTATION.—(1) The Chief of the National Guard Bureau shall carry out activities under this section through and utilizing an integrated planning process established by the Chief of the National Guard Bureau for purposes of this subsection. The planning process may be known as the 'National Guard Bureau Strategic Integrated Planning Process'.

''(2)(A) Under the integrated planning process established under paragraph (1)—

''(i) the planning committee described in subparagraph (B) shall develop and submit to the planning directorate described in subparagraph (C) plans and proposals on such matters under the planning process as the Chief of the National Guard Bureau shall designate for purposes of this subsection; and

''(ii) the planning directorate shall review and make recommendations to the Chief of the National Guard Bureau on the plans and proposals submitted to the planning directorate under clause (i).

''(B) The planning committee described in this subparagraph is a planning committee (to be known as the 'State Strategic Integrated Planning Committee') composed of the adjutant general of each of the several States, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

''(C) The planning directorate described in this subparagraph is a planning directorate (to be known as the 'Federal Strategic Integrated Planning Directorate') composed of the following (as designated by the Secretary of Defense for purposes of this subsection):

''(i) A major general of the Army National Guard.

''(ii) A major general of the Air National Guard.

''(iii) A major general of the regular Army.

''(iv) A major general of the regular Air Force.

''(v) A major general (other than a major general under clauses (iii) and (iv)) of the United States Northern Command.

''(vi) The Director of the Joint Staff of the National Guard Bureau under section 10505 of this title.

''(vii) Seven adjutants general from the planning committee under paragraph (B).''.

(b) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of such title is amended by adding at the end the following new section:

"§ 10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations

''(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

''(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

''(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

''(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 1011 of such title is amended by inserting after the item relating to section 10503 the following new item:

''10503a. Functions of National Guard Bureau: military assistance to civil authorities.''.

(2) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

''10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.''.

SEC. 1704. REDESIGNATION OF POSITIONS OF DIRECTOR OF THE ARMY NATIONAL GUARD, DIRECTOR OF THE AIR NATIONAL GUARD, AND ASSOCIATED POSITIONS.

(a) REDESIGNATION.—Section 10506 of title 10, United States Code, is amended—

(1) by striking ''Director, Army National Guard'' each place it appears and inserting ''Vice Chief, Army National Guard'';

(2) by striking ''Deputy Director, Army National Guard'' each place it appears and inserting ''Deputy Vice Chief, Army National Guard'';

(3) by striking ''Director, Air National Guard'' each place it appears and inserting ''Vice Chief, Air National Guard''; and

(4) by striking ''Deputy Director, Air National Guard'' each place it appears and inserting ''Deputy Vice Chief, Air National Guard''.

(b) CONFORMING AMENDMENT.—Section 14512(a)(2)(D) of such title is amended by striking ''Director of the Army National Guard, or Director of the Air National Guard'' and inserting ''Vice Chief of the Army National Guard, or Vice Chief of the Air National Guard''.

(c) REFERENCES.—

(1) DIRECTOR, ARMY NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Director of the Army National Guard shall be deemed to be a reference to the Vice Chief of the Army National Guard.

(2) DEPUTY DIRECTOR, ARMY NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Deputy Director of the Army National Guard shall be deemed to be a reference to the Deputy Vice Chief of the Army National Guard.

(3) DIRECTOR, AIR NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Director of the Air National Guard shall be deemed to be a reference to the Vice Chief of the Air National Guard.

(4) DEPUTY DIRECTOR, AIR NATIONAL GUARD.—Any reference in a law, regulation, document, paper, or other record of the United States to the Deputy Director of the Air National Guard shall be deemed to be a reference to the Deputy Vice Chief of the Air National Guard.

SEC. 1705. TREATMENT OF CERTAIN SERVICE AS JOINT DUTY EXPERIENCE.

(a) VICE CHIEFS, ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, as amended by section 1704(a) of this Act, is further amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of assignment or promotion to any position designated by law as open to a National Guard general officer.''.

(b) ADJUTANTS GENERAL AND SIMILAR OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of assignment or promotion.

(c) REPORT ON DUTY IN JOINT FORCE HEADQUARTERS TO QUALIFY AS JOINT DUTY EXPERIENCE.—Not later than April 1, 2009, the Chief of the National Guard Bureau shall, in consultation with the adjutants general of the National Guard, submit to the Chairman of the Joint Chiefs of Staff and to Congress a report setting forth the recommendations of the Chief of the National Guard Bureau as to which duty of officers of the National Guard in the Joint Force Headquarters of the National Guard of the States should qualify as joint duty or joint duty experience for purposes of the provisions of law requiring such duty or experience as a condition of assignment or promotion.

(d) REPORTS ON JOINT EDUCATION COURSES.—Not later than April 1 of each of 2009, 2010, and 2011, the Chairman of the Joint Chiefs of Staff shall submit to Congress a report setting forth information on the joint education courses available through the Department of Defense for purposes of the pursuit of joint careers by officers in the Armed Forces. Each report shall include, for the preceding year, the following:

(1) A list and description of the joint education courses so available during such year.

(2) A list and description of the joint education courses listed under paragraph (1) that are available to and may be completed by officers of the reserve components of the Armed Forces in other than an in-resident duty status under title 10, United States Code, or title 32, United States Code.

(3) For each course listed under paragraph (1), the number of officers from each Armed Force who pursued such course during such year, including the number of officers of the Army National Guard, and of the Air National Guard, who pursued such course.

SEC. 1706. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING REGARDING THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SEC. 1707. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 15 the following new chapter:

"CHAPTER 16—CONTROL OF THE ARMED FORCES IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS

''Sec.
''341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

"§ 341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities

''(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case may be, when such forces are engaged in emergency response activities within such State or possession.

''(b) DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the governor of a State or possession as described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the Headquarters.

''(c) POSSESSIONS DEFINED.—Notwithstanding any provision of section 101(a), in this section, the term 'possessions' means the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 15 the following new item:

"16. Control of the Armed Forces in Activities Within the States and Possessions ..... 341".

SEC. 1708. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

(d) CERTAIN JOINT TASK FORCE POSITIONS.—

(1) IN GENERAL.—Of the officers serving in the positions specified in each subparagraph of paragraph (2), as least one such officer under each subparagraph shall be an officer in the Army National Guard of the United States or an officer in the Air National Guard of the United States.

(2) COVERED POSITIONS.—The positions specified in this paragraph are:

(A) Commander, Joint Task Force Alaska, and Deputy Commander, Joint Task Force Alaska.

(B) Commander, Joint Task Force Civil Support, and Deputy Commander, Joint Task Force Civil Support.

(C) Commander, Joint Task Force North, and Deputy Commander, Joint Task Force North.

SA 5407. 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 X, add the following:

SEC. 1041. SAFETY OF EXPEDITIONARY FACILITIES, INFRASTRUCTURE, AND EQUIPMENT SUPPORTING UNITED STATES MILITARY OPERATIONS OVERSEAS.

In order to assure the safe utilization by the Armed Forces of expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas, the Secretary of Defense shall certify to the congressional defense committees, by not later than March 30, 2009, that each of the following actions have been accomplished:

(1) That generally accepted industry standards for the safety of personnel are incorporated into military regulations establishing requirements for facilities, infrastructure, and equipment, including standards with respect to fire protection and structural integrity, and standards with respect to electrical systems, water treatment, and telecommunication networks.

(2) That each contract or task or delivery order carried out for the construction, installation, repair, maintenance, or operation of expeditionary facilities for the Armed Forces overseas incorporates generally accepted industry standards for the safety of personnel utilizing such facilities.

(3) That the standards required under paragraphs (1) and (2) apply in all current and future United States military operations overseas.

SA 5408. Mr. BROWNBACK 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 X, add the following:

SEC. 1041. CONSIDERATION OF ADVISORY MISSIONS BY THE DEPARTMENT OF DEFENSE IN SUPPORT OF UNITED STATES EFFORTS TO BUILD PARTNER CAPACITY IN THE GLOBAL WAR ON TERRORISM IN THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) IN GENERAL.—In conducting the quadrennial defense review required in 2009 by section 118 of title 10, United States Code, the Secretary of Defense shall assess the following:

(1) The advisability of advisory missions by the Department of Defense in support of United States efforts to build partner capacity in the Global War on Terrorism, including advisory missions as follows:

(A) Combat advisory missions to train ground forces and air forces of partner countries.

(B) Advisory missions to the defense and interior ministries of partner countries.

(2) The forces, whether general purposes forces or special operations forces, that are the most effective means of undertaking the

future advisory missions of the Department as described in paragraph (1).

(3) The modifications in the force structure necessary to ensure the continued effectiveness of the advisory missions of the Department as described in paragraph (1).

(b) SUBMITTAL TO CONGRESS.—The quadrennial defense review required to be submitted to Congress under section 118(d) of title 10, United States Code, in 2010 shall include a separate discussion of the results of the assessment required by subsection (a).

SA 5409. Mr. BROWN (for himself and Mr. ENSIGN) 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, may implement a plan to establish and support up to 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) COOPERATION.—The Secretary of Defense, 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.

(c) REPORT ON PLAN.—The Secretary of Defense shall provide a report to the congressional defense committees on the following:

(1) A description of how the Secretaries of the military departments can increase the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many new units may foreseeably be established per year by each service.

(2) The annual funding necessary to support any 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 report required under subsection (b), along with the report required by subsection (e), shall be submitted to the congressional defense committees not later than May 1, 2009.

SA 5410. Mr. HARKIN (for himself and Mr. OBAMA) 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:

Strike section 581 and insert the following:

SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PREVENTION OF SUICIDES BY MEMBERS OF THE ARMED FORCES.

(a) POLICY REQUIRED.—Not later than August 1, 2009, the Secretary of Defense shall develop a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(b) PURPOSES.—The purposes of the policy required by this section shall be as follows:

(1) To ensure that investigations, analyses, and appropriate data collection can be conducted, across the military departments, on the causes and factors surrounding suicides by members of the Armed Forces.

(2) To develop effective strategies and policies for the education of members of the Armed Forces and their families to assist in preventing suicides and suicide attempts by members of the Armed Forces.

(c) ELEMENTS OF INVESTIGATIONS.—The policy required by subsection (b)(1) shall include, but not be limited to, the following:

(1) Requirements for investigations and data collection in connection with suicides by members of the Armed Forces.

(2) A requirement for the appointment by the appropriate military authority of a separate investigating officer to conduct an administrative investigation into each suicide by a member of the Armed Forces in accordance with the requirements specified under paragraph (1).

(3) Requirements for minimum information to be determined under each investigation pursuant to paragraph (2), including, but not limited to, the following:

(A) Any mental illness or other mental health condition, including Post Traumatic Stress Disorder (PTSD), of the member of the Armed Forces concerned at the time of the completion of suicide.

(B) Any other illness or injury of the member at the time of the completion of suicide.

(C) Any receipt of health care services, including mental health care services, by the member before the completion of suicide.

(D) Any utilization of prescription drugs by the member before the completion of suicide.

(E) The number, frequency, and dates of deployment of the member.

(F) The military duty assignment of the member at the time of the completion of suicide.

(G) Any observations by family members, health care providers, medical care managers, and other members of the Armed Forces of any symptoms of depression, anxiety, alcohol or drug abuse, or other relevant behavior in the member before the completion of suicide.

(H) The results of a psychological autopsy of the member, if conducted.

(4) A requirement for a report from each administrative investigation conducted pursuant to paragraph (2) which shall set forth the findings and recommendations resulting from such investigation.

(5) Procedures for the protection of the confidentiality of information contained in each report on an investigation pursuant to paragraph (4).

(6) A requirement that the Deputy Chief of Staff for Personnel of the military department concerned receive and analyze each report on an investigation pursuant to paragraph (4).

(7) The appointment by the Secretary of Defense of an appropriate official or executive agent within the Department of Defense to receive and analyze each report on an investigation pursuant to paragraph (4) in order to—

(A) identify trends or common causal factors in suicides by members of the Armed Forces; and

(B) advise the Secretary on means by which the suicide education and prevention strategies and programs of the military departments can respond appropriately and effectively to such trends and causal factors.

(8) A requirement for an annual report to the Secretary of Defense by each Secretary of a military department on the following:

(A) The results of investigations into suicide by members of the Armed Forces pursuant to paragraph (2) for each calendar year beginning with 2010.

(B) Actions taken to improve the suicide education and prevention strategies and programs of the military departments.

(C) Total number of suicides among members of the Armed Forces during the period beginning on January 1, 2002, and ending at the end of the most recent calendar year quarter preceding the submittal of such report, including the number of suicides confirmed and the number of deaths being investigated as a suicide, set forth—

(i) by calendar year quarter in which death occurred;

(ii) by military department of the members concerned; and

(iii) by whether death occurred while the members concerned were deployed or while assigned to permanent duty station or homeport.

(d) CONSTRUCTION OF INVESTIGATION WITH OTHER INVESTIGATION REQUIREMENTS.—The investigation of the suicide by a member of the Armed Forces under the policy required by this section shall be in addition to any other investigation of the suicide required by law, including any investigation for criminal purposes.

(e) ELEMENTS OF EDUCATION.—The policy required by subsection (b)(2) may include, but not be limited to, the following:

(1) A review and evaluation of existing suicide prevention efforts across the military departments, including an assessment of the effectiveness of current efforts and of how such efforts are addressing issues related to combat stress.

(2) A requirement for suicide prevention training (as described in subsection (f)) on an annual basis for all members of the Armed Forces (including members of the National Guard and Reserve), for all civilian health care community and family support professionals of the Department of Defense, and for such other service personnel of the Department as the Secretary shall designate for purposes of this paragraph.

(3) Enhancement of the basic lifesaving training course for members of the Armed Forces to include within such training matters relating to recognition of risk factors for suicide, identification of signs and symptoms of mental health concerns and combat stress, and protocols for responding to crisis situations involving members of the Armed Forces who may be at high risk for suicide.

(4) Enhancement of training for military medics and medical personnel to include within such training matters relating to recognition of risk factors for suicide, identification of signs and symptoms of mental health concerns and combat stress, and protocols for responding to crisis situations involving members of the Armed Forces who may be at high risk for suicide.

(5) Review and enhancement of requirements for access of units to crisis response teams to prevent and respond to traumatic events, such as members in crisis or loss of unit members, which teams shall include

qualified mental health professionals and may include medical staff, chaplains, family support staff, peers, and other appropriate personnel.

(6) A campaign of outreach throughout the Armed Forces and the military family communities intended to—

(A) reduce the stigma among members of the Armed Forces and their families, and in such communities, associated with mental health concerns;

(B) encourage members of the Armed Forces and individuals in such communities to seek help with such concerns;

(C) increase awareness among members of the Armed Forces and in such communities that mental health is essential to overall health;

(D) increase awareness among members of the Armed Forces and in such communities regarding substance abuse concerns, relationship and financial difficulties, and legal and occupational difficulties; and

(E) inclusion in addresses to veterans service organizations and other public addresses, and in other public speeches, by senior officials of the Department of Defense of the themes of the importance of mental health, and the importance of seeking help on mental health concerns and stress on military family members, for members of the Armed Forces, veterans, and their families.

(7) Post-deployment assistance for spouses and parents of returning members including members of the National Guard and Reserve, who are returning from deployment assistance in—

(A) understanding issues that arise in the readjustment of such members—

(i) for members of the National Guard and Reserve, to civilian life; and

(ii) for members of the regular components of the Armed Forces, to military life in a non-combat environment;

(B) identifying signs and symptoms of substance abuse, mental health conditions, traumatic brain injury, and risk factors for suicide; and

(C) encouraging such members and their families in seeking assistance for such conditions and in seeking assistance on relationship, financial, legal, and occupational difficulties.

(f) SUICIDE PREVENTION TRAINING.—For purposes of this section, suicide prevention training is comprehensive training on suicide prevention (including, at a minimum, education, training, peer-to-peer support methods, outreach, and de-stigmatization on suicide) developed by the Secretary of Defense for purposes of this section in consultation with the Secretary of Veterans Affairs, the National Institute of Mental Health, the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services, and the Centers for Disease Control and Prevention.

(g) REPORT ON POLICY.—Not later than August 1, 2009, the Secretary of the Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy required by this section. The report shall include the following:

(1) A description of the policy.

(2) A plan for the implementation of the policy throughout the Department of Defense, which plan shall be developed by the Secretary of Defense in consultation with the following:

(A) The Secretary of Veterans Affairs.

(B) The National Institute of Mental Health.

(C) The Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

(D) The Centers for Disease Control and Prevention.

(h) REPORT ON ACTIONS TAKEN.—

(1) IN GENERAL.—Not later than August 1, 2011, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the actions taken to develop and implement effective policies and strategies for the education of members of the Armed Forces and their families on the prevention of suicide by members of the Armed Forces.

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

(A) A description of the actions taken as described in paragraph (1).

(B) An evaluation and assessment of the actions referred to in subparagraph (A), which shall include an evaluation and assessment of the effectiveness of such actions in reducing the incidence of suicide among members of the Armed Forces, including an assessment of—

(i) the extent to which such actions effectively targeted members of the Armed Forces and their families; and

(ii) the extent to which such actions increased awareness among members of the Armed Forces and their families on risk factors for suicide.

(3) PERFORMANCE OF EVALUATION AND ASSESSMENT.—The evaluation and assessment required under paragraph (2)(B) shall be performed by an appropriate non-Federal Government entity selected by the Secretary for purposes of this subsection. The Secretary may provide for the performance of the evaluation and assessment by the entity so selected by contract or other cooperative agreement with, or by grant to, such entity.

SA 5411. Mr. NELSON (for himself 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:

On page 309, after line 20, add the following:

SEC. 1068. CLARIFICATION OF CERTAIN ELIGIBILITY REQUIREMENTS FOR ENHANCED DISABILITY SEVERANCE PAY.

Section 1212(c)(1)(A) of title 10, United States Code, as added by section 1646 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 472), is amended by striking ''incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.'' and inserting ''incurred (as determined under criteria prescribed by the Secretary of Defense)—

''(i) as a direct result of armed conflict;

''(ii) while engaged in hazardous service;

''(iii) in the performance of duty under conditions simulating war; or

''(iv) through an instrumentality of war.''.

SA 5412. Mrs. CLINTON 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 F of title X, add the following:

SEC. 1068. PILOT PROGRAMS ON TRAINING AND CERTIFICATION FOR FAMILY CAREGIVER PERSONAL CARE ATTENDANTS FOR VETERANS AND MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAMS AUTHORIZED.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out up to three pilot programs to assess the feasibility and advisability of providing training and certification for family caregivers of veterans and members of the Armed Forces with traumatic brain injury as personal care attendants of such veterans and members.

(b) LOCATIONS.—Each pilot program under this section shall be carried out in a medical facility of the Department of Veterans Affairs. In selecting the locations of the pilot programs, the Secretary shall give special emphasis to the polytrauma centers of the Department of Veterans Affairs designated as Tier I polytrauma centers.

(c) TRAINING CURRICULA.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall develop curricula for the training of personal care attendants under the pilot programs under this section. Such curricula shall incorporate—

(A) applicable standards and protocols utilized by certification programs of national brain injury care specialist organizations; and

(B) best practices recognized by caregiving organizations.

(2) USE OF EXISTING CURRICULA.—In developing the curricula required by paragraph (1), the Secretary of Veterans Affairs shall, to the extent practicable, utilize and expand upon training curricula developed pursuant to section 744(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2308).

(d) PARTICIPATION IN PROGRAMS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall determine the eligibility of a family member of a veteran or member of the Armed Forces for participation in the pilot programs under this section.

(2) BASIS FOR DETERMINATION.—A determination made under paragraph (1) shall be based on the needs of the veteran or member of the Armed Forces concerned, as determined by the physician of such veteran or member.

(e) ELIGIBILITY FOR COMPENSATION.—A family caregiver of a veteran or member of the Armed Forces who receives certification as a personal care attendant under the pilot programs under this section shall be eligible for compensation from the Department of Veterans Affairs for care provided to such veteran or member.

(f) COSTS OF TRAINING.—

(1) TRAINING OF FAMILIES OF VETERANS.—Any costs of training provided under the pilot programs under this section for family members of veterans shall be borne by the Secretary of Veterans Affairs.

(2) TRAINING OF FAMILIES OF MEMBERS OF THE ARMED FORCES.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for any costs of training provided under the pilot programs for family members of members of the Armed Forces. Amounts for such reimbursement shall be derived from amounts available for Defense Health Program for the TRICARE program.

(g) ASSESSMENT OF FAMILY CAREGIVER NEEDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may provide to a family caregiver who receives training under a pilot program under this section—

(A) an assessment of their needs with respect to their role as a family caregiver; and

(B) a referral to services and support that—

(i) are relevant to any needs identified in such assessment; and

(ii) are provided in the community where the family caregiver resides, including such services and support provided by community-based organizations, publicly-funded programs, and the Department of Veterans Affairs.

(2) USE OF EXISTING TOOLS.—In developing and administering an assessment under paragraph (1), the Secretary shall, to the extent practicable, use and expand upon caregiver assessment tools already developed and in use by the Department.

(h) CONSTRUCTION.—Nothing in this section shall be construed to require or permit the Secretary of Veterans Affairs to deny—

(1) reimbursement for health care services provided to a veteran with a brain injury to a personal care attendant who is not a family member of such veteran; or

(2) access to other services and benefits otherwise available to veterans with a brain injury.

(i) FAMILY CAREGIVER DEFINED.—In this section, with respect to member of the Armed Forces or a veteran with traumatic brain injury, the term ''family caregiver'' means a relative, partner, or friend of such member or veteran who is providing care to such member or veteran for such traumatic brain injury.

SA 5413. 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.—Not later than 60 days after the date of the enactment of this Act, 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) ARMY AND NAVY ENERGY INITIATIVES—

(1) IN GENERAL.—The Secretary of the Army and the Secretary of the Navy should seek to engage their respective services in an alternative aviation fuel initiative in order to—

(A) certify each service's aircraft fleet for operations on a 50/50 synthetic fuel blend;

(B) acquire 50 percent of its domestic aviation fuel requirement from a domestically sourced synthetic fuel blend;

(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.

SA 5414. Mr. KYL (for himself, Mr. VITTER, Mr. INHOFE, Mr. MARTINEZ, Mr. WARNER, and Mr. LEVIN) 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; which was ordered to lie on the table; as follows:

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

SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY–2 FORWARD-BASED X-BAND RADAR.

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

(b) LIMITATION.—

(1) IN GENERAL.—Funds may not be available under subsection (a) for the purpose specified in that subsection until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report on the deployment of the AN/TPY–2 forward-based X-band radar as described in that subsection, including:

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and non-recurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SA 5415. Mr. MCCONNELL 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. SENSE OF SENATE ON THE FISCAL YEAR 2010 FUNDING REQUEST FOR THE DEPARTMENT OF DEFENSE FOR PROGRAMS AND ACTIVITIES RELATING TO TRAUMATIC BRAIN INJURY AND PSYCHOLOGICAL HEALTH.

(a) FINDINGS.—The Senate makes the following findings:

(1) The members of the Armed Forces who have served in the Global War on Terror have sacrificed greatly on behalf of the American people and deserve treatment for the injuries they have suffered during their service to our nation.

(2) Funding for programs and activities relating to Traumatic Brain Injury and psychological health have typically been provided by emergency supplemental appropriations.

(3) The budget of the President for fiscal year 2009 (as submitted to Congress pursuant

to section 1105 of title 31, United States Code) included a request for only minimal funds for the Department of Defense for programs and activities relating to Traumatic Brain Injury and psychological health, relying instead on supplemental appropriations.

(4) According to the 2007 annual report of the Congressionally Directed Medical Research Programs, approximately 20 percent of the members of the Armed Forces who have served in the Global War on Terror suffer from some form of Traumatic Brain Injury.

(5) The symptoms and side effects of Traumatic Brain Injury and other psychological health conditions can include depression, anxiety, substance abuse, mental confusion, and seizures.

(6) The symptoms and side effects of Traumatic Brain Injury and other psychological health conditions in members of the Armed Forces require treatment and future monitoring, and treatment of the wounded should be a long-term priority for the Department of Defense.

(7) Treatment of any long-term health condition that affects a significant portion of the members of the Armed Forces, such as Traumatic Brain Injury and other psychological health conditions, requires a regularized funding commitment by the Department of Defense.

(b) SENSE OF SENATE.—It is the sense of the Senate that the amounts requested for the Department of Defense for fiscal year 2010 in the budget of the President for that fiscal year (as submitted to Congress pursuant to section 1105 of title 31, United States Code) should include a specific request for adequate funds to carry out programs and activities relating to Traumatic Brain Injury and psychological health that would improve the well being of members of the Armed Forces.

SA 5416. 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 A of title VIII, add the following:

SEC. 804. TECHNICAL CORRECTIONS TO AUTHORITIES RELATING TO CERTIFICATION REQUIREMENTS FOR MAJOR SYSTEMS PRIOR TO TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—Section 2366b of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''system'' each place it appears and inserting ''program'';

(2) in subsection (b)—

(A) by striking ''major system'' and inserting ''major defense acquisition program''; and

(B) by striking ''the system'' each place it appears and inserting ''the program''; and

(3) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

''(1) The term 'major defense acquisition program' has the meaning provided in section 2430 of this title.''.

(b) REVIEW OF DEPARTMENT OF DEFENSE ACQUISITION DIRECTIVES.—Section 943(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 289; 10 U.S.C. 2366b note) is amended by striking ''major weapon system'' and inserting ''major defense acquisition program''.

(c) CLARIFICATION OF CERTAIN CERTIFICATION PENDING IDENTIFICATION OF CORE COMPETENCIES OF DOD.—Notwithstanding the effective date in section 943(c) of the National Defense Authorization Act for Fiscal Year 2008, until the completion of the identification of the core competencies of the Department of Defense in the quadrennial review of roles and missions under section 118b of title 10, United States Code, that is conducted during 2008, the Milestone Decision Authority concerned may satisfy the certification requirement of section 2366b(a)(2) of title 10, United States Code (as amended by subsection (a)), with respect to a major defense acquisition program if the Milestone Decision Authority certifies that the program is being executed by an entity with a relevant core competency identified by the Secretary of Defense for purposes of such certification.

SA 5417. Mr. VOINOVICH 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. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

''SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless there is clear and convincing evidence that such a reinstatement is not in the best interest of the child.

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the S.L.C. September 9, 2008 (8:42 a.m.) servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

''(d) 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, except that the term may include such other deployments as the Secretary may prescribe.''.

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

''208. Child custody protection.''.

SA 5418. Mr. VOINOVICH 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 240, between lines 6 and 7, insert the following:

SEC. 854. DEPARTMENT OF DEFENSE TIRE PRIVATIZATION INITIATIVE.

(a) IMPLEMENTATION AND ADMINISTRATION OF GROUND AND AIR TIRE CONTRACTS.—In implementing and administering ground and air tire contracts of the Department of Defense (Contract No. SPM7L10–07–D–7002 and Contract No. SPM7L10–07–D–7001), the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) require that fair, equal, and competitive procurement procedures among all qualified manufacturers are employed to ensure that the Department of Defense receives the best value when procuring new tire types, and when procuring tires that are newly added to the contract's industrial base requirements;

(2) ensure that all tire manufacturers have equal timely information about the future needs of the Department of Defense for tires, including contractor-prepared forecasts; and

(3) provide all manufacturers with equal quarterly information on the number of tires shipped to the Department of Defense and the number of each type of tire shipped by each manufacturer.

(b) IMPARTIAL EVALUATION OF BIDS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall serve as an impartial evaluator of bids in connection with ground and air tire contracts and shall ensure that the offeror with the most advantageous proposal receives the greatest share of business of the Department of Defense.

(c) ANALYSIS OF TIRE PRICING.—

(1) ANALYSIS.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an analysis of the pricing of tires under existing ground and air tire contracts to determine which tires have high prices even though multiple qualified sources for such tires exist.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the analysis conducted under paragraph (1).

SA 5419. 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 end of subtitle E of title III, add the following:

SEC. 344. PROCEDURES FOR MITIGATING THE IMPACT OF RENEWABLE ENERGY TECHNOLOGIES ON MILITARY ACTIVITIES OR READINESS.

(a) ADVISORY COMMITTEE FOR RECOMMENDATIONS ON PROCEDURES.—

(1) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense an advisory committee to make recommendations to the Secretary for the procedures for mitigating any adverse impact of renewable energy technologies (including wind energy, solar energy, geothermal energy, or biomass energy projects) on military training, operations, activities, or readiness.

(2) MEMBERS.—The advisory committee shall be composed of such individuals as the Secretary shall designate for purposes of this section.

(b) DEVELOPMENT OF RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the establishment of the advisory committee required under subsection (a), the advisory committee shall develop and submit to the Secretary such recommendations for procedures described in that subsection as the advisory committee considers appropriate.

(2) CONSULTATION.—In developing recommendations under paragraph (1), the advisory committee shall consult with such technical experts, interested parties, representatives of renewable energy industries, other Federal agencies, and members of the public as the advisory committee considers appropriate.

(c) DESIGNATION OF OFFICIAL.—Not later than 90 days after the receipt under subsection (b) of the recommendations for procedures required under that subsection, the Secretary shall assign to an official within the Department of Defense the responsibility for advising officials of the Department, agencies of the Federal government and State governments, and private sector entities on steps that should be taken to mitigate any adverse impacts of renewable energy technologies or projects on military training, operations, activities, or readiness.

(d) REPORT.—The Secretary shall submit to Congress a report setting forth the findings and recommendations of the advisory committee. The report shall include the following:

(1) A comprehensive description of the procedures recommended by the advisory committee.

(2) The official assigned the responsibility for providing advice in accordance with subsection (c).

SA 5420. 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 C of title VI, add the following:

SEC. 634. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) ALLOWANCES AUTHORIZED.—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Secretary concerned shall provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.''.

(b) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended by striking ''subsection (a)(1)'' both places it appears and inserting ''paragraph (1) or (2) of subsection (a)''.

SA 5421. Mr. REED (for himself and Mrs. DOLE) 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 II, add the following:

SEC. 216. PARTICIPATION OF DEFENSE LABORATORIES IN COMPETITIVE SOLICITATIONS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—

(1) POLICY ON PARTICIPATION.—The Secretary of Defense shall prescribe policies and regulations such that, to the maximum extent practicable, Department of Defense laboratories are permitted to respond to competitive solicitations for research, development, test, and evaluation funding of the Department of Defense.

(2) CONFLICTS OF INTEREST.—The regulations under paragraph (1) shall ensure that the participation of Department laboratories in competitive solicitations as described in that paragraph is consistent with Federal Government and Department of Defense policies regarding conflicts of interest.

(b) REPORT.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) A description of the policies and regulations prescribed under subsection (a).

(2) A description of the number and value of research, development, test, and evaluation awards competitively awarded to Department of Defense laboratories through Department of Defense solicitations in fiscal year 2009.

(3) An identification of any competitive Federal Government solicitations in fiscal year 2009 for research and development funding from which Department of Defense laboratories were prohibited from direct participation or direct receipt of funds for research and development activities.

SA 5422. 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.

Section 455(o) of the Higher Education Act of 1965 (20 U.S.C. 1087e(o)) is amended—

(1) in paragraph (1)—

(A) by striking ''paragraphs (2) and (4)'' and inserting ''paragraph (3)''; and

(B) by striking ''for which the first disbursement is made on or after October 1, 2008'';

(2) by striking paragraph (2); and

(3) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

SA 5423. Mr. BINGAMAN 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 311, between lines 13 and 14, insert the following:

SEC. 1083. SENSE OF CONGRESS ON RENEWAL OF STRATEGIC ARMS REDUCTION TREATY.

It is the sense of Congress that the President should take action to renew the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, signed at Moscow July 31, 1991 (commonly referred to as the ''START I Treaty''), before the expiration date of December 5, 2009.

SA 5424. Mr. BINGAMAN 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 XXXI, add the following:

SEC. 3116. STUDY ON SURVEILLANCE OF THE NUCLEAR WEAPONS STOCKPILE.

(a) STUDY.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall enter into a contract with the private scientific advisory group known as JASON to conduct an independent technical study of the efforts of the National Nuclear Security Administration to monitor the aging of, and to detect defects related to aging in, nuclear weapons components and materials that could affect the reliability of nuclear weapons currently in the nuclear weapons stockpile.

(2) AVAILABILITY OF INFORMATION.—The Administrator shall make available to JASON all information necessary to complete the study on a timely basis.

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

(1) The ability of the National Nuclear Security Administration to monitor and measure the effects of aging on, and defects relating to aging in, nuclear weapons components

and materials, other than plutonium pits, that could affect the reliability of nuclear weapons in the nuclear weapons stockpile.

(2) Available methods for addressing such effects.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, JASON shall submit to the Administrator for Nuclear Security and Congress a report containing—

(A) the findings of the study; and

(B) recommendations for improving efforts within the Directed Stockpile Work Program, the Science Campaign, and the Engineering Campaign of the National Nuclear Security Administration to monitor the effects of aging on, and to detect defects related to aging in, the nuclear weapons stockpile between fiscal year 2009 and fiscal year 2014.

(2) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

SA 5425. 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:

On page 41, strike lines 1 through 3 and insert the following:

(1) The ballistic missile threat posed by North Korea, Iran, and other countries with active ballistic missile development and fielding programs, including the following:

(A) The existing inventories of short-range, medium-range, long-range, and intercontinental-range ballistic missiles of each such country, and the ranges of such missiles based on possible launch points.

(B) The ballistic missile programs currently under development by each such country, including, for each such program, an assessment of—

(i) the ranges of the ballistic missiles under such program;

(ii) the fuel propulsion systems for such missiles;

(iii) the booster and warhead characteristics of such missiles; and

(iv) the capacity of such missiles to employ countermeasures, decoys, or multiple re-entry vehicles.

(C) The ballistic missile tests and exercises of each such country since 2005.

(D) The proliferation of ballistic missile hardware, technology and expertise of each such country.

(E) The ballistic missile launch facilities of each such country, whether existing or under construction.

SA 5426. Mr. LEVIN (for himself and 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 D of title XII, add the following:

SEC. 1233. ONE-YEAR EXTENSION OF BRIEFINGS ON QUARTERLY REPORTS ON THE WAR STRATEGY IN IRAQ.

Section 1222(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3463) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SA 5427. Mrs. BOXER (for Mr. BAUCUS) proposed an amendment to the bill H.R. 6532, to amend the Internal Revenue Code of 1986 to restore the Highway Trust Fund balance; as follows:

On page 3, line 2, strike ''September 30, 2008'' and insert ''the date of the enactment of this Act''.

SA 5428. 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 requested of a member of the Armed Forces by the form. Such information shall be provided only with the consent of the member of the Armed Forces.

SA 5429. Mr. NELSON of Nebraska (for himself, Ms. COLLINS, and 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:

On page 395, strike lines 5 through 8 and insert the following:

(3) EXCEPTIONS FOR MILITARY CONSTRUCTION AND CERP.—The limitations in paragraphs (1) and (2) do not apply to—

(A) military construction (as that term is defined in section 2801 of title 10, United States Code); or

(B) amounts authorized to be appropriated for the Commanders' Emergency Response Program (CERP).

SA 5430. 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 ear, 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, 2009, 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.

''(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 5431. 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 E of title X, add the following:

SEC. 1056. REPORT ON ADEQUACY OF CURRENT AUTHORITIES AND PROCEDURES FOR THE PROVISION OF MILITARY ADVICE BY THE JOINT CHIEFS OF STAFF AND THE COMMANDERS OF THE COMBATANT COMMANDS TO THE SENIORMOST OFFICIALS AND COUNCILS OF THE GOVERNMENT.

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

(1) Civilian control of and authority over the military is fundamental to United States democratic values.

(2) The tradition of civilian control of the military is a time-honored and deeply rooted value of the United States military.

(3) United States civilian leaders value the expertise, advice, and judgment of military professionals in defense and national security policy deliberations.

(4) In his commencement address at the United States Naval Academy on May 23, 2008, Admiral Mullen, the Chairman of the Joint Chiefs of Staff, said that ''few things are more vital to an organization than someone who has the moral courage to question the direction in which an organization is headed and then the strength of character to support whatever final decisions are made''.

(5) In the same address, Admiral Mullen added that ''the military as an institution must remain a neutral instrument of the state''.

(6) Admiral Mullen also said ''that few things are more damaging to our democracy than a military officer who doesn't have the moral courage to stand up for what's right or the moral fiber to step aside when circumstances dictate''.

(7) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433) codified, in sections 151 and 164 of title 10, United States Code, the roles of the Chairman of the Joint Chiefs of Staff, other members of the Joint Chiefs of Staff, and the combatant commanders.

(8) Section 151(b) of title 10, United States Code, designates the Chairman of the Joint Chiefs of Staff as the principal military advisor to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

(9) Section 151(b) of title 10, United States Code, also designates the other members of the Joint Chiefs of Staff (as designated in section 151(a) of title 10, United States Code) as the military advisors to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense as specified in subsections (d) and (e) of section 151 of title 10, United States Code.

(10) Section 151(c) of title 10, United States Code directs that ''the Chairman shall, as he considers appropriate, consult with and seek the advice of the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands''.

(11) Section 151(d) of title 10, United States Code, establishes mechanisms for members of the Joint Chiefs of Staff, other than the Chairman, to submit ''to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to the advice presented by the Chairman to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense''.

(12) Section 151(e) of title 10, United States Code, directs members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisors to provide advice on a particular matter to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense when requested.

(13) Section 151(f) of title 10, United States Code, permits a member of the Joint Chiefs of Staff to make recommendations to Congress relating to the Department of Defense as he considers appropriate after first informing the Secretary of Defense.

(14) Section 164 of title 10, United States Code, establishes the powers, responsibilities, and duties of the commanders of the combatant commands.

(15) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 was enacted 22 years ago and the provisions of title 10, United States Code, referred to in paragraphs (8) through (14) of this subsection, as enacted by that have not been amended since except to include the Homeland Security Council as the authorized recipient of military advice from the Joint Chiefs of Staff and the commanders of the combatant commands.

(16) The employment of the Armed Forces in the 22 years since the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 has produced a body of experience and lessons learned by the Joint Chiefs of Staff and the commanders of the combatant commands.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is an appropriate time in the national interests of the United States for the Joint Chiefs of Staff and the commanders of the combatant commands to review the authorities of and procedures for members of the Joint Chiefs of Staff and the commanders of the combatant commands to provide military advice to the President, the Secretary of Defense, the National Security Council, and the Homeland Security Council.

(c) REVIEW OF AUTHORITIES AND PROCEDURES.—The Chairman of the Joint Chiefs of Staff shall, in consultation with the other members of the Joint Chiefs of Staff and the commanders of the combatant commands, conduct a review of sections 151 and 164 of title 10, United States Code, for the purposes as follows:

(1) To determine whether the authorities in such sections are adequate and sufficient such that those senior military officers are afforded the opportunity to present military advice or opinion to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

(2) To identify recommendations, if any are determined appropriate, for modifications to the authorities in such sections to ensure or enhance the provision of military advice to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense by those senior military officers.

(d) REPORT.—

(1) REPORT TO SECRETARY OF DEFENSE.—Not later than June 15, 2009, the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the review conducted under subsection (c), including a comprehensive description of the determinations made under subsection (c)(1) and of any recommendations identified under subsection (c)(2).

(2) REPORT TO CONGRESS.—Not later than July 30, 2009, the Secretary of Defense shall transmit to the congressional defense committees the report submitted under paragraph (1). In transmitting the report, the Secretary may include such comments on and recommendations regarding the report as the Secretary considers appropriate.

SA 5432. Mr. BUNNING 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 216, strike line 15 and all that follows through page 221, line 3, and insert the following:

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—The head of an agency may enter into contracts or agreements for the acquisition of alternative or synthetic fuels, if such contracts or agreements are—

''(1) for a term of not more than 25 years;

''(2) at a price that is competitive, throughout the term of the contract or agreement concerned, with the market price of petroleum-derived fuel of similar quality; and

''(3) for a fuel that has lower lifecycle greenhouse gas emissions when compared to the lifecycle greenhouse gas emissions of conventional petroleum-based fuels that are used in the same application;

''(b) DETERMINATION OF LIFECYCLE GREENHOUSE GAS EMISSIONS.—In the case of a contract or agreement under subsection (a) for an alternative fuel or synthetic fuel, the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under such contract or agreement shall be considered to be less than such emissions for the equivalent conventional fuel produced from conventional petroleum sources if such emissions are determined to be lower—

''(1) by peer-reviewed research conducted or reviewed by a national laboratory; or

''(2) by the head of the agency, based on available research and testing.

''(c) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

''(2) The term 'alternative fuel' has the meaning given that term in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

''(3) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

''(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

''(B) is produced by chemical or physical transformation of domestic sources of energy (including coal, natural gas, biomass, ethanol, butanol, and hydrogen).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

''2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels.''.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Defense and other departments and agencies of the Federal Government should continue research, testing, evaluation, and use of alternative and synthetic fuels (as that term is defined in section 2410r(c) of title 10, United States Code (as added by subsection (a)) with the goals of—

(1) reducing emissions;

(2) lowering the cost of fuel; and

(3) increasing the performance, reliability, and security of fuel production and supply for the Armed Forces.

SA 5433. Mr. NELSON of Nebraska 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 title subtitle G of title X, add the following:

SEC. 1083. WEEKLY INCREASE IN BOUNTY FOR THE CAPTURE OR KILLING OF OSAMA BIN LADEN AND AYMAN AL-ZAWAHIRI.

On the date that is seven days after the date of the enactment of this Act, and every seven days thereafter until the capture or killing of such individual, the Secretary of Defense shall increase by an amount equal to $1,000,000 the amount of the bounty payable for the capture or killing of each of the following:

(1) Osama bin Laden.

(2) Ayman al-Zawahiri.

SA 5434. 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. 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.

SA 5435. 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 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.

SA 5436. 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. 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 service member 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.

SA 5437. 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. 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 service members, 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 5438. Mr. WEBB (for himself and 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 D of title VI, add the following:

SEC. 642. SURVIVOR BENEFIT PLAN ANNUITIES FOR SPECIAL NEEDS TRUSTS ESTABLISHED FOR THE BENEFIT OF DEPENDENT CHILDREN INCAPABLE OF SELF-SUPPORT.

(a) SPECIAL NEEDS TRUST AS ELIGIBLE BENEFICIARY.—

(1) IN GENERAL.—Subsection (a) of section 1450 of title 10, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) SPECIAL NEEDS TRUSTS FOR SOLE BENEFIT OF CERTAIN DEPENDENT CHILDREN.—Notwithstanding subsection (i), a supplemental or special needs trust established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1936p(d)(4)) for the sole benefit of a dependent child considered disabled under section 1614(a)(3) of that Act (42 U.S.C. 1382c(a)(3)) who is incapable of self-support because of mental or physical incapacity.''.

(2) CONFORMING AMENDMENT.—Subsection (i) of such section is amended by inserting ''(a)(4) or'' after ''subsection''.

(b) REGULATIONS.—Section 1455(d) of such title is amended—

(1) in the subsection caption, by striking ''AND FIDUCIARIES'' and inserting '', FIDUCIARIES, AND SPECIAL NEEDS TRUSTS'';

(2) in paragraph (1)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

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

''(C) a dependent child incapable of self-support because of mental or physical incapacity for whom a supplemental or special needs trust has been established under subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1936p(d)(4)).'';

(3) in paragraph (2)—

(A) by redesignating subparagraphs (C) through (H) as subparagraphs (D) through (I), respectively;

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) In the case of an annuitant referred to in paragraph (1)(C), payment of the annuity to the supplemental or special needs trust established for the annuitant.'';

(C) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, by striking ''subparagraphs (D) and (E)'' and inserting ''subparagraphs (E) and (F)''; and

(D) in subparagraph (G), as so redesignated—

(i) by inserting ''or (1)(C)'' after ''paragraph (1)(B)'' in the matter preceding clause (i);

(ii) in clause (i), by striking ''and'' at the end;

(iii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new clause:

''(iii) procedures for determining when annuity payments to a supplemental or special needs trust shall end based on the death or marriage of the dependent child for which the trust was established.''; and

(4) in paragraph (3), by striking ''OR FIDUCIARY'' in the paragraph caption and inserting '', FIDUCIARY, OR TRUST''.

SA 5439. 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 G of title X, add the following:

SEC. 1083. DESIGNATION OF THE LIBERTY MEMORIAL AT THE NATIONAL WORLD WAR I MUSEUM IN KANSAS CITY, MISSOURI, AS THE NATIONAL WORLD WAR I MEMORIAL.

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

(1) Although more than 4,000,000 Americans served in World War I, there is no nationally recognized memorial honoring the service of such Americans in that war.

(2) In 1919, the people of Kansas City, Missouri, expressed an outpouring of support and raised more than $2,000,000 in two weeks for a memorial to the service of Americans in World War I. That fundraising was an accomplishment unparalleled by any other city in the United States irrespective of population and reflected the passion of public opinion about World War I, which had so recently ended.

(3) Following the drive, a national architectural competition was held by the American Institute of Architects for designs for a memorial to the service of Americans in World War I, and the competition yielded a design by architect H. Van Buren Magonigle.

(4) On November 1, 1921, more than 100,000 people witnessed the dedication of the site for the Liberty Memorial in Kansas City, Missouri. That dedication marked the only time in history that the five allied military leaders present, Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, General John J. Pershing of the United States, and Admiral Lord Earl Beatty of Great Britain, were together at one place.

(5) General Pershing, a native of Missouri and the commander of the American Expeditionary Forces in World War I, noted at the November 1, 1921 dedication that ''[t]he people of Kansas City, MO are deeply proud of the beautiful memorial, erected in tribute to the patriotism, the gallant achievements, and the heroic sacrifices of their sons and daughters who served in our country's armed forces during the World War. It symbolized their grateful appreciation of duty well done, and appreciation which I share, because I know so well how richly it is merited''.

(6) During an Armistice Day ceremony in 1924, President Calvin Coolidge marked the beginning of a three-year construction project for the Liberty Memorial by the laying of the cornerstone of the memorial.

(7) The 217-foot Liberty Memorial Tower has an inscription that reads ''In Honor of Those Who Served in the World War in Defense of Liberty and Our Country'' as well as four stone ''Guardian Spirits'' representing courage, honor, patriotism, and sacrifice, which rise above the observation deck, making the Liberty Memorial a noble tribute to all who served in World War I.

(8) During a rededication for the Liberty Memorial in 1961, World War I veterans and former Presidents Harry S. Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed.

(9) The 106th Congress recognized the Liberty Memorial as a national symbol of World War I.

(10) The 108th Congress designated the museum at the base of the Liberty Memorial as ''America's National World War I Museum''.

(11) The National World War I Museum is the only public museum in the United States specifically dedicated to the history of World War I.

(12) The National World War I Museum is known throughout the world as a major center of World War I remembrance.

(b) DESIGNATION.—The Liberty Memorial at the National World War I Museum in Kansas City, Missouri, is hereby designated as the ''National World War I Memorial''.

SA 5440. Mrs. CLINTON 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 A of title VII, add the following:

SEC. 702. IDENTIFICATION AND TREATMENT OF DRUG AND ALCOHOL DEPENDENCE IN MEMBERS OF THE ARMED FORCES UNDER TRICARE THROUGH OUTPATIENT SUBSTANCE ABUSE TREATMENT PROGRAMS.

Section 1090 of title 10, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new subsection:

''(b) ACTIVITIES UNDER TRICARE PROGRAM THROUGH OUTPATIENT SUBSTANCE ABUSE TREATMENT PROGRAMS.—The regulations required by subsection (a) with respect to the TRICARE program shall provide for the provision of services to identify, treat, and rehabilitate members of the armed forces under that subsection through outpatient substance abuse treatment programs.''.

SA 5441. Mr. REID (for Mr. BIDEN (for himself and Mr. LUGAR)) 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 360, after line 20, add the following:

Subtitle E—Other Matters

SEC. 1241. SPECIAL ENVOY FOR SOUTH AND CENTRAL ASIA REGIONAL COOPERATION.

(a) STATEMENT OF POLICY.—Congress declares that it is in the national interest of the United States that the countries of South and Central Asia work together to address common challenges hampering the stability, security, and development of their region and to enhance their cooperation.

(b) ESTABLISHMENT.—The President shall, by and with the advice and consent of the Senate, appoint a special envoy to promote closer cooperation between the countries of South and Central Asia. The special envoy shall have the rank of ambassador.

(c) DUTIES.—

(1) IN GENERAL.—The primary responsibility of the special envoy shall be to coordinate United States policy on issues relating to strengthening and facilitating relations between the nations of South and Central Asia for the benefit of stability and economic growth in the region.

(2) ADVISORY ROLE.—The special envoy shall advise the President and the Secretary of State, as appropriate, and, in coordination with the Assistant Secretary of State for South and Central Asian Affairs, shall make recommendations regarding effective strategies and tactics to achieve United States policy objectives to—

(A) stem cross-border terrorist activities;

(B) provide assistance to refugees to ensure orderly and voluntary repatriation from neighboring states;

(C) bolster people-to-people ties and economic cooperation between the nations of South and Central Asia, including bilateral trade relations;

(D) explore opportunities to anticipate and seek solutions to critical cross-border issues; and

(E) offer comprehensive efforts to support effective counter-narcotics strategies in South and Central Asia.

SA 5442. Mrs. MCCASKILL (for herself and Ms. MIKULSKI, and Mr. KENNEDY) 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 75, between lines 6 and 7, insert the following:

SEC. 323. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A–76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 720 days, commencing on the date on which the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

''(B) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims unless the Secretary of Defense determines that the delay is caused by issues being raised during the appellate process that were not previously raised during the competition.''.

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SA 5443. 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 AUTHORIZED.—The Secretary of the Interior, acting through the Bureau of Land Management, may 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 5444. 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 F of title X, add the following:

SEC. 1068. VISION CENTER OF EXCELLENCE.

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

(1) Ocular injuries are the third highest incidence for injuries sustained in Operation Iraqi Freedom and Operation Enduring Freedom after Traumatic Brain Injury and Post Traumatic Stress Disorder.

(2) From 2002 through January 2008, more than 1,300 members of the Armed Forces suffered eye injuries in Operation Iraqi Freedom or Operation Enduring Freedom, and the Department of Veterans Affairs enrolled it its health care system more than 100 veterans of such operations who are legally blind.

(3) The most common causes of eye injury in Operation Iraqi Freedom and Operation Enduring Freedom include—

(A) improvised explosive device blasts;

(B) rocket propelled grenade explosions; and

(C) gunshot wounds.

(4) In some cases, such injuries may not manifest until weeks or months following exposure to a traumatic event, including Traumatic Brain Injury. Research has found that 63 percent of Traumatic Brain Injury wounded at the Palo Alto Veterans Affairs Medical Center Polytrauma Center located at Palo Alto, California, have a visual impairment associated with Traumatic Brain Injury. In addition, general Traumatic Brain Injury screening at the Hines Department of Veterans Affairs Low Vision Clinic located at Chicago, Illinois, determined that 68 percent of all Traumatic Brain Injury veterans have a visual impairment.

(5) Section 1623 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 455; 10 U.S.C. 1071 note) requires the Secretary of Defense to establish a center of excellence for the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries. That section also requires the Department of Defense to work with Department of Veterans Affairs, to the maximum extent practicable, as well as with public and private entities and institutions of higher learning, to develop a comprehensive plan and strategy for a Military Eye Injury Registry, which would track the diagnosis, surgical intervention, and follow up for each significant case of eye injury incurred by a member of the Armed Forces while serving on active duty.

(6) Section 1623 of the National Defense Authorization Act for Fiscal Year 2008 also requires the Department of Defense and the Department of Veterans Affairs to provide a cooperative program for members of the Armed Forces and veterans with traumatic eye injury by conducting research on prevention of visual dysfunctions, which is a frequent complication from Traumatic Brain Injury.

(7) On June 9, 2008, the Assistant Secretary of Defense for Health Affairs decided that the Vision Center of Excellence will be established in the National Capital Region and will be comprised of multiple clinical centers throughout the Nation at Department of Defense and Department of Veterans Affairs medical centers.

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

(1) the Vision Center of Excellence will be a world class vision center supporting both members of the Armed Forces and veterans;

(2) research on visual impairments related to Traumatic Brain Injury needs to be expanded, and the Vision Center of Excellence should play a key role in identifying current and future research needs;

(3) the goal of the Vision Center of Excellence is to provide all members of the Armed Forces who suffer ocular trauma or disease the most comprehensive, coordinated, progressive, and highest quality eye care possible;

(4) the Vision Center of Excellence should maximize Department of Defense, Department of Veterans Affairs, and civilian resources to ensure the most compassionate, synchronized, and professional eye care; and

(5) the Department of Defense should examine the potential benefit of screening for eye injuries when service members are screened for Traumatic Brain Injury.

(c) REPORTS TO CONGRESS.—

(1) REPORT ON IMPLEMENTATION OF VISION CENTER OF EXCELLENCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs, submit to the Committees on Armed Services and Veterans' Affairs of the Senate and the Committees on Armed Services and Veterans' Affairs of the House of Representatives a report on the status of implementation of the Vision Center of Excellence. The report shall include, at a minimum, a description of the mission of the Vision Center of Excellence, the resources or funds available to fund the Vision Center of Excellence from fiscal years 2009 through 2013, and the planned programs and priorities of the Vision Center of Excellence.

(2) REPORT ON VISUAL SCREENINGS IN CONNECTION WITH TBI.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the feasability and advisability of performing visual screenings on all members of the Armed Forces who experience Traumatic Brain Injury.

SA 5445. 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 B of title VIII, add the following:

SEC. 815. ENHANCEMENT OF BUY AMERICAN REQUIREMENTS WITH RESPECT TO SPECIALTY METALS CRITICAL TO NATIONAL SECURITY.

(a) INCLUSION OF HIGH PERFORMANCE MAGNETS AMONG SPECIALTY METALS.—Subsection (l) of section 2533b of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) High performance magnets.''.

(b) DEFINITIONS.—Subsection (m) of such section is amended by adding at the end the following new paragraphs:

''(11) The term 'produced', in the case of a specialty metal or high performance magnet, means melting, gas atomization, sputtering, or consolidation from powder using non-melt technology in the United States. The term does not include a rolling or finishing process such as quenching and tempering of armor plate.

''(12) The term 'high performance magnet' means a permanent magnet containing 10 or more percent by weight of cobalt, samarium, or nickel.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, August 10, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, September 10, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''Improving the Federal Bridge Program: Including an Assessment of S. 3338 and H.R. 3999.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 10 a.m., in room 215 of Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 10 a.m., to conduct a hearing entitled ''Expediency Versus Integrity: Do Assembly-Line Audits at the Defense Contract Audit Agency Waste Taxpayer Dollars?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''New Strategies for Combating Violent Crime: Drawing Lessons From Recent Experience'' on Wednesday, September 10, 2008, at 10 a.m., in room SD–562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 2:30 p.m. to conduct a hearing entitled, ''Managing the Challenges of the Federal Government Transition.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, September 10, 2008, at 3 p.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, ''Quality and Environmental Impacts of Bottled Water.''

The PRESIDING OFFICER. Without objection, it is so ordered.