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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, July 10, 2007, at 2 p.m.

Senate

MONDAY, JULY 9, 2007

The Senate met at 2 p.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of our lives, we confess that we have often been too distracted by busyness to hear Your words of truth. Keep us from being pressed by the insignificant. Instead, help us to take time to listen to the whisper of Your spirit. As the tender tug of time reminds us of our beginning and our end, teach us to embrace Your truth which transcends life and death.

On this first day returning from recess, give our Senators strength for all they will encounter today. May they feel Your power keeping them from stumbling and slipping. Remind them that You are the final judge of their leadership and the only one they ultimately need to please. Use them for Your glory.

We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 9, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today, following any time utilized by the two leaders, the Senate will be in a period of morning business until 3 o'clock, with the time equally divided and controlled between the two sides. At 3 p.m. today, the Senate will proceed to H.R. 1585, the Defense Department authorization bill. We all know how important this legislation is. The Senate will carefully and thoughtfully and thoroughly debate issues associated with our military servicemen at home and abroad. Senator BILL NELSON will be here to manage the bill for Chairman LEVIN, who will be in a hearing until later this afternoon. As I indicated prior to the recess, this period will be a very busy legislative period.

Members should be prepared for votes occurring whenever the Senate is in session unless I make an announcement to the contrary.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 263 submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 263) to authorize testimony and legal representation in the State of Iowa v. Chester Guinn, Brian David Terrell, Dixie Jenness Webb, Kathleen McQuillen, and Elton Lloyd Davis.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony and representation in criminal trespass actions in Iowa District Court for Polk County in Des Moines, IA. In this action, antiwar protestors have been charged with criminally trespassing in the Federal building housing Senator CHUCK GRASSLEY's Des Moines office on February 26, 2007, for refusing repeated requests to leave the premises. Trials

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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on charges of trespass are scheduled to commence on July 9, 2007. Two members of the Senator's staff who had conversations with the defendant protestors during the charged events have been subpoenaed by the prosecution and the defense. Senator GRASSLEY would like to cooperate by providing testimony from these two members of his staff. This resolution would authorize those staff members to testify in connection with this action, with representation by the Senate Legal Counsel.

I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 263) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 213

Whereas, in the cases of State of Iowa v. Chester Guinn (SMAC288541), Brian David Terrell (SMAC288544), Dixie Jenness Webb (SMAC288545), Kathleen McQuillen (SMAC288543), and Elton Lloyd Davis (SMAC288539), pending in Iowa District Court for Polk County in Des Moines, Iowa, testimony has been requested from Robert Renaud and Janice Goode, employees in the office of Senator Chuck Grassley;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it Resolved that Robert Renaud and Janice Goode, are authorized to testify in the cases of State of Iowa v. Chester Guinn, Brian David Terrell, Dixie Jenness Webb, Kathleen McQuillen, and Elton Lloyd Davis, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Robert Renaud and Janice Goode in the actions referenced in section one of this resolution.

MEETING THE SENATE SCHEDULE

Mr. REID. Mr. President, it wasn't too many years ago that sessions of the Senate were much shorter than they are now. During the summertime, the months of July and August, people went home because it was so hot. They simply couldn't handle the heat in this building and this town. But that has changed now with air-conditioning.

We still traditionally take August as our break. We do it for good reason. There are a lot of things we have to do to catch up on work at home. Senators have to travel throughout their States to catch up on things. The State of Nevada, for example, is the seventh largest State area-wise in the country. Seventy percent of the people live in Las Vegas; 20 percent live in Reno. But the other 10 percent are entitled to representation in the Senate, as are the two metropolitan areas. In addition, we have important obligations around the world. August is set aside as a time when Members travel around the world to check assets our country has and obligations through treaties and other things.

The reason I mention that is we have a lot of work to do. This is a work period of 4 short weeks, and we hope it is 4 short weeks. It wasn't but a month ago when Members of this body and the House were criticizing the Iraqi Parliament for taking their summer vacation because they hadn't done the work they were supposed to do. The American people are looking at us—not the Iraqi Parliament, the American Congress—to make sure we also do our work. We have a schedule during this 4-week work period we have to meet. If we don't do that, the August recess period is going to be shorter. Everyone should understand that. I know I have come to the floor earlier in the year talking about the need for us to do different things, and it has worked out very well. We have worked only one weekend. We have spent a few nights but not too many because Members have, on most occasions—when it comes time to finish our work before a work period ends, we are able to complete the work. I hope that will continue. We have a lot to do.

I think this could be one of the most, if not the most, important work periods of the year. It was reported in the press today that we, the majority, have filed 42 cloture motions this year already. Why? Because everything we have had to do—motions to proceed, basically everything—the Republicans have had us go that route procedurally to try to invoke cloture to move forward. We have not always been successful, but most of the time we have because it was simply stalling when it came right down to it. On many occasions, the Republicans voted with us, but they still got their 30 hours to slow things down.

In spite of that, we have been able to accomplish a lot. We, of course, passed an increase in the minimum wage for the first time in 10 years. As a result of the supplemental appropriations bill the President gave us, we were forced into that legislation, not only the minimum wage bill but disaster relief which is 3 years overdue for ranchers and farmers. We were able to, for the first time over the President's objections, get extra money for homeland security. We got a billion dollars there. We were able to finally get money for the gulf, $7 billion. The President had gone there 22 times, but the money had never been forthcoming. We were able, in the supplemental appropriations bill, to force that in. We were also able this year to pass a budget, a good budget. We think it will set the pattern for what needs to be done this year.

We have had other accomplishments. We also have things we have to do. That is why this work period is so important. The Defense authorization bill is one thing. This gives us a chance to support our troops with a readiness amendment, which will be the first amendment up, which requires that active-duty troops have at least the same amount of time at home as the length of their previous tour overseas. This will also be our chance to force responsible action in Iraq that the President up to this point has refused.

We have had, during the week we have been gone, a number of Republicans of good will who have spoken out for the need to change policy in Iraq. I appreciate very much their stepping forward, as do the American people, Democrats and Republicans.

Second, we are going to do everything we can during this work period to reauthorize the State Children's Health Insurance Program which provides health insurance to 6 million children. SCHIP must be reauthorized before it expires. I hope we can all agree to this as important to keep the children healthy. We are also going to turn to the Higher Education Access Act, a bill that will help more Americans afford college by addressing the alarming rise in tuition costs. It could be and will be the most significant change in higher education since the GI Bill of Rights. It is going to change programs. It is going to take moneys used to pay people who provide these loans, who are getting, in the minds of many, outrageous profits from the money they give to young people to go to school, take that and put it into something that will really educate children.

Fourth, we are going to tackle appropriations bills. The first bill I want to do is Homeland Security. This bill strengthens airport, seaport, and water security, supports our first responders, and plugs security gaps that have been ignored for far too long.

Finally, we are going to send the 9/11 and ethics bills to conference. As I said during the last day we were here, no longer am I going to come here and hope that the good will of the Republicans will allow us to go to conference. We are going to finish these bills. If it means I have to file cloture to get conferences, that is what we will do. It is too bad because on the ethics bill, it is important that we do this. It is so important that we do ethics and lobbying reform to address the culture of corruption. This legislation passed the House and the Senate with minor differences. We should complete them. We almost got there the last week we were here, but at the last minute somebody

stepped in and wanted to stop us from doing this—always some diversionary tactic. As to 9/11, we got another letter today from the 9/11 families saying do something about this.

Here is our work schedule. Let's make sure everybody understands what we need to complete during this work period: Defense authorization; we are going to work hard at SCHIP; we are going to finish the conference reports on 9/11 and ethics and lobbying reform. We are also going to do the Defense authorization bill, as I talked about. We are going to do the reconciliation on the Higher Education Access Act, and we are going to do an appropriations bill or more, if we can. I repeat: It is time that we start legislating for the American people. The minority has certainly proven that they can slow things down here, and 42 times we have had to file cloture. I hope we don't have to continue doing that. We will address the issues I have talked about before we end the work period and break for the August recess.

The recess is important. I repeat: It gives Members the opportunity to travel home and abroad, which is so important. It widens our understanding of the issues we face. Two of our colleagues, for example, both former members of the military, Senators MCCAIN and REED, traveled to Iraq during this Fourth of July work period. They will have a lot to report. I have already met with JACK REED, and I have had a wonderful conversation with him. I don't think there is anyone in the Senate who has traveled there more than he has. I am quite sure that is true. The August recess is also a time to meet with constituents. That is also important.

We are sent here for one reason above all others; that is, to legislate. That is what we must do. So I say as respectfully as I can to my friends, Democrats and Republicans, who are Senators, you need to keep your August travel plans flexible. I believe we can address each of these issues I have mentioned in the next 4 weeks and complete our work. The conference reports could go very quickly, but it is not just up to me, as we move this calendar along at a pace that allows for fair debate but not obstruction. In recent weeks, we have seen some of our Republican colleagues filibuster even issues that it appears they support, which is hard to comprehend, but that is what we have seen. That is their right, but I don't think it is good for the country, and we are simply going to do what we can to move this body along so we can accomplish passage of legislation.

President Wilson said on one occasion:

> The commands of democracy are as imperative as its privileges and opportunities are wide and generous. Its compulsion is upon us.

So, Mr. President, the compulsion to get the job done is upon us now, and I look forward to a very successful work period. We are going to have to put in some long hours, but certainly that should not be a hindrance to our work.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ADVANCING THE ISSUES

Mr. MCCONNELL. Mr. President, I listened with interest to my good friend, the majority leader. Let me make a few random observations before making some remarks about the Defense authorization bill.

He indicated there have been 42 cloture motions filed. That is quite a lot, no question about it. The reason that was necessary, of course, is because the majority was trying to truncate the legislative process, which, in the Senate, unlike the House, gives the minority considerable opportunity to offer amendments.

Typically, the way these things are done is to be worked out. Cloture motions do not always produce the desired result of the majority, and we look forward to having fewer cloture motions, not more, as a better way to actually pass more legislation.

With regard to the August recess, I certainly would be prepared to stay here and work. I recall the majority leader and I were here the last time that was tried in 1994, when we stayed here 2 weeks into the August recess, to try to pass the national health care plan supported by then-President Clinton and his First Lady, HILLARY CLINTON. After 2 weeks of frustration, Senator Mitchell gave up and the recess began. Sometimes that kind of device would be helpful; other times it may not be.

I worry a good bit about the fact we have not done any appropriations bills yet. The basic work of the Government is to fund the agencies of Government. We do it through 13 appropriations bills. We have not passed any yet. I do worry we will end up with a process that could lead us in the direction we went last year under my party and in 2002 when the Democrats were in the majority, which led to kind of a total meltdown of the appropriations process. I hope that can be avoided. There will be a lot of cooperation on this side of the aisle to prevent that from happening. But we do need to schedule the bills and actually pass them if we are going to have a chance to have anywhere near a normal appropriations process.

With regard to the 9/11 bill, as my good friend the majority leader knows, we were prepared to go to conference on that bill the Friday before the recess. No request to go to conference was actually propounded on that day. I think if we can have our staffs exchange some language, there is no good reason why we cannot go to conference on the 9/11 bill very shortly, maybe even including today.

With regard to the lobbying bill, it was my intention to go to conference on the lobbying bill. We had an objection on this side of the aisle. The objector came over here, made the objection, and that is the way the Senate works. There is still strong support for that bill on this side of the aisle. It was the first bill the majority leader brought up, with my concurrence and cooperation. We passed it with only two dissenting votes, and I am very optimistic we can get that to conference as well.

So there will be a lot of cooperation on this side of the aisle to try to advance the issues the majority leader believes we ought to address.

DEFENSE AUTHORIZATION

Mr. MCCONNELL. With that, Mr. President, let me make some observations about the Defense authorization bill.

What Republicans would like to see is an open and comprehensive debate. We know this debate is going to include a discussion of our policy in Iraq. We welcome that too. There are a variety of different proposals on both sides of the aisle about how we ought to go forward on that most important issue. Nobody has any doubt that is the No. 1 issue in this country, and we are certainly prepared to offer our suggestions, as well as to react to the Democratic suggestions about where we should go from here.

But a couple of words of caution are in order as we proceed. Everyone should know from the outset that Republicans will expect and insist on the freedom to improve this bill with our own amendments. We will be offering them and expect to have them voted on, as well as Democratic amendments.

Democrats have continually tried to block our efforts at improving legislation earlier in this session, as evidenced by the record pace of cloture motions we have been discussing on the floor that have been filed since January. I know there has been an effort to attempt to paint this record-setting pace of cloture motions as a reaction against alleged Republican intransigence, but, frankly, that is simply not the case. It is an effort to try to truncate the legislative process in such a way that works to the disadvantage of the minority.

The Senate has always been a place of cooperation. Most of us on both sides have been in the majority and minority recently. We know the different proposals that tend to please one and inhibit the other. The Senate is a ponderous place on purpose. It is exactly what Washington and the Founders predicted.

Republicans have insisted on our right to improve everything from ethics reform to the minimum wage bill this year. We have improved, we believe, everything we have touched, and we will continue to insist on our rights to do that.

Specifically, on this bill, the DOD authorization bill, which we will turn to at 3 o'clock, we will insist on amendments that respond aggressively and practically to the ongoing terrorist threat both here and abroad.

It is important to remember whom we are fighting. General Petraeus has said that 80 percent to 90 percent of the suicide bombers in Iraq are from outside the country, outside of Iraq. We are fighting al-Qaida, other terror groups, and the states that support them.

We cannot allow these terrorists to gain a new sanctuary even closer to the United States than Afghanistan or to gain access to other ungoverned areas in the Middle East that will give them a new stage to carry out their attacks.

It has always been in the U.S. interest, and it remains in the U.S. interest, to maintain stability in the Persian Gulf. It is important not to forget that either. We need to guard against an emboldened Iran, which is facilitating and capitalizing on the weakness of Iraq for its own advantage on the world stage. We must reassure our allies in Iraq, the Middle East, and the world that America remains committed to fighting terrorism wherever it is found.

Finally, as we proceed, we must remember we are at war and that our enemies will use any means at their disposal to harm us. They intend to strike us at home and abroad. They will exploit any opening we give them, and they will use every tool at their disposal.

Everyone in this Chamber has America's best interests at heart. But it will fall on Republicans in this debate to be particularly awake to the complexity of the terrorist threat.

Now, it is no accident we have not been attacked at home in nearly 6 years. We have kept terrorists at arm's length by bringing the fight to them. Republican amendments will build on the lessons we have learned over the past 6 years. They will reflect our commitment to security and continued vigilance, and we will insist they be heard. Republicans will succeed in improving this bill in ways that improve our warfighting ability and our counterterrorism tools.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I appreciate not only the comments of my distinguished counterpart, the senior Senator from Kentucky, but the manner in which they were offered, the tone. I would hope we can work together to get some of these things done, starting with this bill, the Defense authorization bill.

We have two wonderful Senators who are the managers of that bill, Senators LEVIN and WARNER. They have worked together in that committee for 25 years and are both dedicated patriots. They will do a good job managing this bill, no matter what happens on the floor.

I would also say that, coincidentally, I had a meeting today with the president of the American Medical Association. He came to talk about the SCHIP bill and how important it is we get that passed.

Also, in speaking with physicians about the Clinton health care plan that we did spend a lot of time on, as everyone knows, that legislation started out with 80 percent of the American people supporting a change in the health care policy in this country. With the huge amounts of money spent by mainly the insurance industry, with their ''Harry and Louise'' ads, that reversed, when it was all over, with less than half the people supporting that legislation. Huge amounts of money were spent denigrating that legislation.

Right now, as with the people who met with me today, they sure wish that legislation passed. It would have solved a lot of the problems we deal with here: medical malpractice and allowing the pooling of small employers so they can compete with large employers and have affordable insurance. But hindsight is 20/20. That was not accomplished. Hopefully, we can, with SCHIP, set a tone for what we can do with legislation as it relates to health care.

With the 9/11 and the ethics and lobbying reform, the proof is in the pudding. Are we going to have more delays? As my distinguished friend has indicated, if Republican staff comes to our staff and says: We are ready to go to conference, we will go, just like that. But I am not going to come out here anymore and have somebody come out and sideswipe it: We cannot do it because of this or that, always something standing in the way of it.

The American people are watching us. We are going to finish those two pieces of legislation before we leave in August. It is not a threat. It is what we have to do. The American people need us to do certain things. Can't we certainly pass ethics and lobbying reform? Can't we certainly pass the 9/11 Commission recommendations, which are 3 years old? The administration has not implemented those. In fact, as we know, we talk about one reason it passed overwhelmingly here and in the House is the Bush administration is given Ds and Fs on the implementation of this. We need to get this passed, and we need to get ethics reform passed. We need to get the 9/11 bill passed. I hope we can do that.

Mr. MCCONNELL. Mr. President, will the majority leader yield for a question?

Mr. REID. Mr. President, I am happy to yield.

Mr. MCCONNELL. Mr. President, I do not know if the majority leader was preoccupied or not, but let me say again, we were prepared to go to conference on the 9/11 bill the Friday before the recess, and the request was not made by my good friend, which is fine. I would say, again, we are prepared to go to conference on the 9/11 bill. I would suggest we have our floor staffs work out the language. I do not think there is any reason why we could not do that today.

Mr. REID. Mr. President, I am happy. I am happy. I so appreciate that, very much appreciate that. I think it is good we try to have a good work environment the next few weeks. We have a lot of things to do. We have been through one of the most difficult issues that has ever faced this body, ever, in the 200-plus years we have been a country; that is, immigration reform. Friends against friends, it was a very difficult issue.

So I think it is time we are able to do what the Senate can do by unanimous consent. So I appreciate very much what my friend said. I look forward to that. I think it will be something the American people can look at and say: You know, those guys don't disagree on everything.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMPLEMENTING THE 9/11 COMMISSION RECOMMENDATIONS ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1 and that the Senate then proceed to its consideration; that all after the enacting clause be stricken, and the text of S. 4, as passed the Senate on March 13, 2007, be inserted in lieu thereof; that the bill be read the third time, passed, and the motion to reconsider be laid on the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that it not be in order to consider the conference report if it contains collective

bargaining provisions which I have committed to drop, as has the Speaker.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, finally, again, I want the record spread with how much I appreciate this. I know the families of 9/11 appreciate Democrats and Republicans coming together and agreeing to complete this legislation, which we will complete very quickly.

The bill (H.R. 1), as amended, was read the third time and passed.

WAR ON TERROR

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, most of the activity with regard to the terrorist plot in Great Britain occurred while we were on our breaks back home. I wanted to briefly discuss that today.

It seems to me that the terror plots in Great Britain must serve as a wake-up call to those of us in the United States who perhaps have been too complacent about the terrorist threat. These plots remind us of the dangers we really face each and every day, and we need to employ all possible intelligence and follow-up action in order to stop the attacks and roll back these terrorist groups.

The war against terrorists and on the radical ideologies that drive terrorism will go on and is going to go on for a long time, and attacks will not occur every day. So we have to remain resolute in the face of this long-term threat, never allowing temporary respites from violence to tempt us into thinking the terrorists have stopped recruiting and plotting.

Abroad we must confront the challenges not just of terrorist networks but of states like Iran and Syria that provide funds and equipment for the terrorists. At home we have to have adequate intelligence to find, monitor, and disrupt terrorist cells that could strike at any time. It requires vigilance and cooperation among many enforcement entities and, importantly, the support of the American people. Against this threat, to say ''out of sight, out of mind'' can have no place.

Now, the first point I would like to make today is that as the plot in Great Britain revealed, this is not about grievances. This is about ideology.

There are those at home who are members of what is called the Blame America First crowd, which was a term coined by my friend, the late Ambassador Jeane Kirkpatrick, who say the Islamists hate us because of what we do. They allegedly hate us because we don't do enough to fight poverty, because of the Israeli-Palestinian conflict, because of Iraq, or because of the latest Danish cartoon, or whatever. Of course, this is nonsense.

The radical ideology that spawns this terrorism has nothing to do with such grievances or poverty. The perpetrators of the plots in Great Britain were doctors, not individuals radicalized by unemployment or poverty-stricken slums. These plots certainly were not the result of British policy. They unfolded on the very day that Gordon Brown, a critic of Britain's roles in the 2003 invasion of Iraq, took office. Nor did they have anything to do with American policy. From what we know of the individuals involved, it appears the motivation was the same as all of the other acts of terrorism in the name of militant Islam.

This radical doctrine had its roots in the early 20th century and gained momentum through the writings of radical Islamists such as Sayyid Qutb in the 1950s and 1960s, long before the Iraq war. It has everything to do with the hatred of our values, our freedoms, all that we stand for, and we see the hatred in attacks that go back several decades.

Review them: The 1979 takeover of our Embassy in Tehran; the 1983 Hezbollah bombing of the Marine barracks in Beirut; the 1993 bombing of the World Trade Center; the 1996 bombing of Khobar Towers; the 1998 Embassy bombings in Kenya and Tanzania; the 2000 attack on the USS *Cole*; September 11, 2001, and all of the attacks since then, including Beslan, Madrid, London, and elsewhere. In every case, the rationale was the same—advancement of the radical ideology of militant Islam; a perversion of the faith, to be sure, but based on their concept of the faith nonetheless.

The sheer evil of the acts and the perpetrators shocks our souls, especially because it is allegedly grounded in religion. People trained as doctors—those who are supposed to value and preserve life—were at the center of the plot in Great Britain to destroy innocent life.

We in the West, who believe in reason and rationality, have trouble comprehending the mentality of radical Islam and those who subscribe to it. But we need to understand it, to call it what it is, and not too shrink from this honesty because the terrorists and their sympathizers hide behind a great religion. Importantly, we must not seek to rationalize and explain the views and the behavior of our enemies through our values and experiences. Militant Islam seeks not to change our policies but to destroy our very way of life and replace it with a Taliban-like society ruled by Sharia law and its enforcers. Militant Islam has declared war on the West—be very clear about it. It is fundamentally at odds with freedom, with democracy, with the inherent humanity of the individual, with critical thinking, and rational decisionmaking, not to mention all other religious beliefs.

While it might be fueled by grievances, it is not caused by the West but, rather, by the very backwardness and ideological rigidity that they would impose on others.

The second point is this: We should be clear that militant Islam, though bound together by common ideology, comes in various stripes, including al-Qaida, responsible for 9/11 and which may have inspired the recent terror plots in Great Britain; Iran's radical regime, whose leader promises to ''wipe Israel off the map'' and envisions a ''world without America,'' and which is speeding toward the development of nuclear weapons; the Wahabbism of Saudi Arabia, which is funding radical ideology in mosques and madrassas all over the world, including here at home; groups like the Muslim Brotherhood, which cloaks its radical ideology in a new veneer of tolerance while its activities support terrorist groups like Hamas and many others.

But state-sponsored testing of the United States and the West is also in full force. Iran is testing our resolve in Iraq where it is using its Revolutionary Guard and its terrorist client, Hezbollah, to train and arm those who are fighting our soldiers. Iran is testing the resolve of U.S. and NATO forces in Afghanistan where it is providing support to al-Qaida. Syria is testing our resolve in Lebanon, where it is assassinating anti-Syrian officeholders while serving as a conduit for the weapons that are rearming Hezbollah. Hamas is testing our resolve in Gaza where it launched a successful coup against the Palestinian Authority of Mahmoud Abbas.

Third, successful American response depends on resolve and support of the American people. We must understand the nature of our enemy and its ideology, confronting them head-on, with full confidence in the rightness of our cause. This is not a matter of moral relativism. We must not allow ourselves to be gagged by faux political correctness. We can say that these terrorists were bound together and motivated by a hateful ideology grounded in their interpretation of Islam without condemning any other Muslims. We must not embrace groups who tell us they stand for peace without renouncing violence in the name of Islam. We must not reward evil with retreat from any of the battlefields where the fight is raging, including Iraq and Afghanistan. And we must be willing to support intelligence and enforcement activities, including incarcerating those who have plotted against or attacked us.

As we celebrate the success of protecting our homeland since 9/11 and preventing loss of life from the attempted attacks in Great Britain, let our words and actions prove that we have not forgotten the resolve that we displayed six years ago today, and let us not fall into the temptation of blaming ourselves for the actions of those who, inspired by hatred, have declared war on us. It is not grievances which have spawned this hatred and these attacks but, rather, the hateful ideology of militant Islam.

I ask unanimous consent to have printed at this point in the record a New York Post op-ed by Irshad Manji, dated July 9, 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Post, July 8, 2007]

ISLAM'S PROBLEM

(By Irshad Manji)

Last week, two very different Brits had their say about the latest terrorist plots in their country. Prime Minister Gordon Brown told the nation that ''we have got to separate those great moderate members of our community from a few extremists who wish to practice violence and inflict maximum loss of life in the interests of a perversion of their religion.'' By contrast, a former jihadist from Manchester wrote that the ''real engine of our violence'' is ''Islamic theology.''

Months ago, this young man informed me that as a militant he raised most of his war chest not from obscenely rich Saudis, but from middle-class Muslim dentists living in the United Kingdom. There's sobering lesson here for the new prime minister.

So far, those arrested in connection to the car bombs are, by and large, medical professionals. The seeming paradox of the privileged seeking to avenge grievance has many champions of compassion scratching their heads. Aren't Muslim martyrs supposed to be poor, disenfranchised, and resentful about both?

We should have been stripped of that breezy simplification by now. The 9/11 hijackers came from means. Mohamed Atta, their ringleader, earned an engineering degree. He then moved to the West, pursuing his post-graduate studies in Germany. No servile goat-herder, that one.

In 2003, I interviewed Mohammad Al Hindi, the political leader of Islamic Jihad in Gaza. A physician himself, Dr. Al Hindi explained the difference between suicide and martyrdom. ''Suicide is done out of despair,'' the good doctor diagnosed. ''But most of our martyrs today were very successful in their earthly lives.''

In short, it's not what the material world fails to deliver that drives suicide bombers. It's something else. And, time and again, the very people committing these acts have articulated what that something else is: their religion.

Consider Mohammad Sidique Khan, the teaching assistant who master minded the July 7, 2005 transit bombings in London.

In a taped testimony, Khan railed against British foreign policy. But before bringing up Western imperialism, he emphasized that ''Islam is our religion'' and ''the Prophet is our role model.'' Khan gave priority to God, not to Iraq.

Now take Mohammed Bouyeri, the Dutch-born Moroccan Muslim who murdered Amsterdam film director Theo van Gogh. Bouyeri pumped several bullets into van Gogh's body. Knowing that multiple shots would finish off his victim, why didn't Bouyeri stop there? Why did he pull out a blade to decapitate van Gogh?

Again, we must confront religious symbolism. The blade is an implement associated with 7th-century tribal conflict. Wielding it as a sword becomes a tribute to the founding moment of Islam. Even the note stabbed into van Gogh's corpse, although written in Dutch, had the unmistakable rhythms of Arabic poetry .

Let's credit Bouyeri with honesty: At his trial he proudly acknowledged acting from ''religious conviction.''

Despite integrating Muslims far more adroitly than most of Europe, North America isn't immune. Last year in Toronto, police nabbed 17 young Muslim men allegedly plotting to blow up Canada's parliament buildings and behead the prime minister. They called their campaign ''Operation Badr,'' a reference to the Battle of Badr, the first decisive military triumph achieved by the Prophet Mohammed. Clearly, the Toronto 17 drew inspiration from religious history.

For people with big hearts and good will, this has to be uncomfortable to hear. But they can take solace that the law-and-order types have a hard time with it, too. After rounding up the Toronto suspects, police held a press conference and didn't once mention Islam or Muslims. At their second press conference, police boasted about avoiding those words.

If the guardians of public safety intended their silence to be a form of sensitivity, they instead accomplished a form of artistry, airbrushing the role that religion plays in the violence carried out under its banner.

They're in fine company: Moderate Muslims do the same.

While the vast majority of Muslims aren't extremists, a more important distinction must start being made—the distinction between moderate Muslims and reform-minded ones. Moderate Muslims denounce violence in the name of Islam—but deny that Islam has anything to do with it.

By their denial, moderates abandon the ground of theological interpretation to those with malignant intentions—effectively telling would-be terrorists that they can get away with abuses of power because mainstream Muslims won't challenge the fanatics with bold, competing interpretations.

To do so would be to admit that religion is a factor. Moderate Muslims can't go there.

Reform-minded Muslims say it's time to admit that Islam's scripture and history are being exploited. They argue for re-interpretation precisely to put the would-be terrorists on notice that their monopoly is over. Re-interpreting doesn't mean re-writing. It means re-thinking words and practices that already exist—removing them from a seventh-century tribal time warp and introducing them to a twenty first-century pluralistic context.

Un-Islamic? God no. The Koran contains three times as many verses calling on Muslims to think, analyze, and reflect than passages that dictate what's absolutely right or wrong. In that sense, reform minded Muslims are as authentic as moderates, and quite possibly more constructive.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

HEALTH CARE

Mr. WYDEN. Mr. President, like all of us in the Senate, I have just come back from a great week in Oregon. We own the summer. It is just wonderful to be home during these warm days and cool nights. Other parts of the country may have beautiful months other times in the year, but nobody can beat an Oregon summer.

I want to talk a little bit about what I heard as I moved around the State. What I heard again and again is that folks at home want the Senate to change course in Iraq, and they want us to fix health care. We are going to start on the first item today in a few minutes when we go to the Defense authorization bill. I believe very strongly that we don't support our courageous troops in Iraq by forcing them to referee a civil war there. I think it will become clear this week that there is growing and bipartisan interest in the Senate to set a specific deadline to force the Iraqis to make the decisions for themselves about how they will govern their Nation.

So what I want to do is talk for a few minutes about health care—something I know the President pro tempore of the Senate has a great passion about as well, and certainly folks are talking about today—because the need to fix health care is so great. Of course, many have flocked to the Michael Moore movie as well, generating additional debate about this issue.

The first matter on the health care agenda to come up is going to be the Children's Health Insurance Program. In my view, passing a strong program for kids is about erasing a moral blot on our Nation. It is unconscionable that millions of kids, youngsters in Rhode Island and Oregon and across the country, go to bed at night without good, quality, affordable health care. In a country as rich and strong as ours, as the majority leader, Senator REID, noted earlier this afternoon, clearly we can do this, and we can do it in a bipartisan way.

The Senate Finance Committee is not going to pass a children's health program that becomes a Trojan horse for government-run health care. That is not going to happen in the Senate Finance Committee. The Senate Finance Committee is going to work in a bipartisan way under the leadership of Senator BAUCUS, working with Senator GRASSLEY and Senator ROCKEFELLER and Senator HATCH, and I am very hopeful that there will be bipartisan agreement over the next few days that targets the desperately needy youngsters in our country and is responsibly funded. I am hopeful that will come together this week, and members of the Senate Finance Committee will be working throughout the week on a bipartisan basis to bring that about.

But it is also very clear, in my view, that the State Children's Health Insurance Program was not created to solve our Nation's health care crisis. In fact, I think when we get on the floor debating the children's health program, the Senate will see and the country will see that this debate illustrates how broken our health care system is. We are clearly spending enough money; we are just not spending it in the right places.

For example, for the amount of money we are spending this year, our country could go out and hire a doctor for every seven families in the United States and pay that doctor $200,000 a year to care for seven families. Whenever I bring this up with the physicians, they always say: Ron, where do I go to get my seven families? So, clearly, we are spending enough money, and we are going to use the dollars even more efficiently, as the Senator from Rhode Island brings us his very constructive proposals as they relate to better use of health information technology.

Second, I believe we have the possibility of a real ideological truce now in health care. As the distinguished Senator from Rhode Island knows from our hearing in the Senate Budget Committee, we saw a real consensus emerging just in the course of that hearing. I think it is very clear that Senators of both political parties understand that to fix health care, we must cover everybody. If we don't cover everybody, people who are uninsured shift their bills to folks who are insured. So colleagues on my side of the aisle who made the point about getting everybody coverage, in my view, have been accurate, and clearly the country and citizens of all political persuasions have come around to that point of view.

But as we saw in our hearing in the Senate Budget Committee just recently, there is also strong support for something the Republicans have felt strongly about, and that is not having the Government run everything in health care. There ought to be a role for a healthy private sector, one where there is a fairer and more efficient market, and there ought to be more choices; in fact, a system much like Members of Congress enjoy today.

I am very pleased that I could join with Senator BENNETT of Utah, a member of the Republican leadership, in offering a bill based on just those principles. It is S. 334, the Healthy Americans Act, and it is the first bipartisan universal coverage bill in more than 13 years.

The distinguished President pro tempore of the Senate might be interested in some history. The last bipartisan, universal coverage health bill was offered by the late Senator Chafee—not his son but the late Senator Chafee—more than 13 years ago. So now we do have the opportunity for the Senate to come together on a bipartisan basis and deal with the premier challenge at home, and that is fixing American health care.

I and Senator BENNETT also believe there are some key challenges to bringing this country together to fix health care, and we believe through our legislation we have been able to address it. The first is how do you make sure folks who do have coverage today—and that is the majority of the people of our country—have a system that works for them. So often in the past they have said: Well, we are not exactly pleased with what we have, but the devil we know is better than the devil we don't know, and those folks in Washington, we don't know if they can organize a two-car parade, let alone fix American health care.

So the first thing Senator BENNETT and I said is for people who have insurance today, in Rhode Island, in Oregon, and elsewhere, we are going to take several steps to assure them that as part of fixing health care, we understand their needs.

The first is with the initial paychecks that are issued. If the Healthy Americans Act is adopted, workers win and employers win. Workers win because they will have more cash in their pocket, and they will have more private choices in a fixed marketplace where insurance companies can't cherry-pick. And they will have lifetime security where no one can ever take their coverage away. Employers will win with the first paychecks as well because they will get out from under the staggering rates of cost growth in American health care.

We all know that employers in Rhode Island and Oregon and elsewhere see their premiums go up more than 13 percent annually—far in excess of the rate of inflation. We cannot have our employers compete in tough global markets when they sustain those kinds of premium hikes and the competition they are up against internationally has the benefit of government-run health care.

I think Senator BENNETT and I have been able to make the kinds of changes in our bill that show we have learned from some of the mistakes in the past—most recently in 1993 and 1994, when Congress last tried to fix health care. One area we focused on is to make sure we can get the savings through cost containment right at the outset.

A group called the Lewin Group—considered the gold standard of health policy analysis—has looked at our legislation, and they found we generated savings through our legislation with the cost containment needed to fix health care. First, we redirect the money that is spent in the Federal Tax Code. Today, more than $200 billion is sent out through the Federal Tax Code so that if you are a high-flying CEO, you can go out and get a designer smile plastered on your face and write off the cost of that operation on your taxes. But if you are a hard-working woman who works at the corner furniture store in Rhode Island and your company doesn't have a health plan, you don't get anything. That is not right. So Senator BENNETT and I redirect the money under the Federal Tax Code to give the bulk of the relief to people in the middle-income and lower middle-income brackets, and the Lewin organization found significant savings in our doing that.

They also found significant savings on the administrative side because we have a one-stop sign-up process, and all of the essential transactions are done through technology transfers. Once you sign up, you are in the system forever. They found significant administrative savings through that.

The third area they found specific savings in is what is called the disproportionate share program, where hospitals and the Government have to pick up the bills for folks who come to hospital emergency rooms and have no coverage. Clearly, it would be much better to have those folks having private coverage targeted at outpatient services so they can get their health care in a way that is better for them and better for their finances than to have them all flocking to hospital emergency rooms.

The fourth area in which we generate savings is by redirecting dollars that are now spent on the poor. In Oregon, we have more than 30 categories of coverage for poor people under Medicaid, so that poor people literally have to find a way to squeeze themselves into one box or another in order to find coverage—wildly inefficient and, frankly, pretty dehumanizing to those who participate.

The better way to go is to make coverage for low-income people automatic. Those who are of modest income would be eligible for a subsidy, but it would be for private coverage.

Finally, we secure savings through significant reform of the private insurance sector. Today, private insurance companies can cherry pick and take healthy people and send sick people to Government programs that are more fragile than they are. That would be barred under our legislation. There would be guaranteed issue. They could not discriminate against people with illnesses, so that in the insurance sector, under our bipartisan legislation, private insurance companies would compete on the basis of price, benefits, and quality, rather than who can find the healthiest people.

I see another colleague on the floor. I ask unanimous consent for an additional 60 seconds to wrap up. If my colleague will indulge me, I would appreciate it.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I talked with our colleague about health care, and I know he has an interest in a bipartisan effort. If the Senate begins with the children's health insurance program and we make it clear this is not some kind of Trojan horse for a Government-run health plan, but something that secures the needs for children, I think we can do this in a bipartisan way and then, in effect, segue into another bipartisan effort to fix health care that would get all Americans under the tent for quality affordable coverage.

Senator BENNETT and I have brought before the Senate a proposal, particularly on the basis of the hearing in the Senate Budget Committee 2 weeks ago, that we think can bring the Senate together, go where no Congress has been able to go since 1945, when Harry Truman made an effort to do it, and that is a rational system so that all Americans have quality affordable coverage.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, before I begin my statement, I commend Senator WYDEN on his vision for health care and his passion for helping to equalize our Tax Code in a way that would help every American buy private health insurance.

EARMARK REFORM

Mr. DEMINT. Mr. President, I rise today to speak about the Senate earmark transparency rules that have not been implemented after so many months. As my colleagues know, we passed two new Senate rules back in January that would shine some light on the earmarking process. It would require us to be open and honest about how we spend American tax dollars.

Unfortunately, these Senate rules, which have nothing to do with the House of Representatives, have been held hostage so they can be gutted in secret when no one is looking. That is right; there are some in this Chamber who don't want to disclose their earmarks, don't want to certify in writing that they will not benefit financially from their earmarks. There are some who want to be able to continue the practice of adding secret earmarks to our bills in closed-door conference committees.

The earmark disclosure rule was originally offered this year as an amendment to S. 1, the lobbying and ethics reform bill. I offered this amendment because the disclosure requirements the majority leader included in his ethics reform bill only covered 5 percent of earmarks that we pass every year. I believed then, as I do now, that disclosure of only 5 percent of our earmarks is not reform and represents business as usual.

As my colleagues know, the leadership on the other side of the aisle originally opposed my amendment and actually tried to kill it. They said it was too broad and that the language, which came directly from Speaker PELOSI in the House, was rushed and therefore flawed.

The majority leader said on January 11:

> . . . the distinguished Senator from South Carolina has said this is exactly like the House provision. I say to my friend that is one of the problems I have with it because I, frankly, do not think they spent the time we have on this.

The same day Senator DURBIN said:

> But the DeMint language is actually unworkable because it is so broad. . . . Frankly, it would make this a very burdensome responsibility.

Fortunately, the Senate refused to table the amendment and the Democratic leadership was forced to support full earmark disclosure. To save face, the other side came with a slightly modified version that they said was better than the House language because it required 48 hours of notice on the Internet of all earmarks. We all agreed to this language and passed the Durbin Amendment 98 to 0.

The Democratic leadership immediately changed their tune once the bill was passed. The majority leader said on January 16:

> In effect, we have combined the best ideas from both sides of the aisle, Democrat and Republican, to establish the strongest possible disclosure rules in this regard.

Senator DURBIN said:

> I am pleased with this bipartisan solution. . . . I believe it reflects the intent of all on both sides of the aisle to make sure there is more disclosure.

Later in the debate, the Senate unanimously accepted an amendment prohibiting the practice of what we call airdropping earmarks in conference; that is, adding earmarks that were not included in either the House or the Senate versions of the bill. Again, we all agreed to this language and accepted it unanimously.

Unfortunately, that is when the public eye turned away from this issue and when the bipartisan support for earmark reform ended.

I came to this floor on Thursday, March 29—70 days after we passed the Senate earmark transparency rules—and asked for consent to enact them. But a Senator on the other side objected. The reason for his objection, according to several news reports, was that the other side of the aisle was caught off guard and was not properly notified.

Well, that sounded somewhat plausible, so I came back to this floor on Tuesday, April 17—89 days after we passed the Senate earmark transparency rules which, again, have yet to be enacted. A Senator on the other side still objected. But this time it was Senator DURBIN who objected—the very Senator who worked with me to author the new earmark disclosure rule. He objected to his own amendment being enacted. He said he did so because he didn't believe we should enact ethics reform in a piecemeal way.

But then the majority immediately announced it would self-enforce some of the new earmark transparency rules in a piecemeal way. They said they would allow each committee to decide if and how to disclose their earmarks.

The Congressional Research Service recently provided me with a review of all earmark rules being used in the Senate committees. The analysis shows that the rules have not been applied in many committees, and even those that have been created informally cannot be enforced on the Senate floor. According to CRS, only 4 out of 18 committees have even created an informal rule.

This shows what we all know to be true: The rules are being implemented in a piecemeal way, which is exactly what the other side said they wanted to avoid. It is clear we need a formal rule in place that applies to all committees. That is what we voted for at the beginning of the year when we wanted to show Americans we were going to address the culture of corruption in Washington, and that is what we need to do now.

I came down to this floor shortly before the July 4 recess to talk with the majority leader about these earmark rules. He wanted to go to conference with the House bill, S. 1, the ethics and lobbying reform bill, and I wanted to get his personal assurances that these earmark rules would not be watered down or eliminated behind closed doors. Unfortunately, the majority leader told me he could not give me those assurances, which was a clear sign that the folks working on this bill had plans to weaken the earmark transparency rules we adopted in January.

I tried again to get consent to enact these rules on Thursday, June 28, 161 days after they had passed, and again the other side objected. The reason this time, which was a complete departure from what they said before, was that the other side planned to work with the House to change the rules and that it was unreasonable for me to demand that they be protected.

The majority leader said:

> There will be some things that will wind up being a Senate rule. Some things will wind up being a House rule. That is part of what the conference is going to work out. No one is trying to detract from anything that the distinguished Senator from South Carolina wants. But just because you want something doesn't mean that you are necessarily going to get it.

Senator SCHUMER echoed their desire to change the rules by saying:

> . . . maybe there are things that other people might add; maybe there will be the kinds of legislative tradeoffs that will make a stronger ethics bill. We all have no way of knowing . . . To get 90 percent or 95 percent of what is a good package, most people would say yes.

And Senator DURBIN sought to belittle my effort to protect the earmark rules, saying:

> It would seem that the Senator from South Carolina is carping on a trifle here.

And I was carping on his bill. There are three words to describe what is going on here, Mr. President: business as usual. This is one of the worst flip-flop reversals I have ever seen. Even the Senator from Illinois, the very person who had previously praised the new rules, minimized their importance and supported efforts to change them.

I realize the other side never liked these rules to begin with. After all, they did try to kill them. But I thought they had come around and were now supportive. I thought we agreed that earmark transparency was a reasonable step to begin changing the way we spend American tax dollars and to end business as usual. It now appears I was mistaken.

Mr. President, 172 days have now gone by since we passed the Senate earmark transparency rules, and yet a few in the Chamber still refuse to enact them. Instead, these objections offer more excuses—excuses that keep changing as time passes.

First they said the rules were too broad and the House wrote them incorrectly. Then, after the Senate leadership revised the rules to their liking,

they support them. But now, after 6 months have passed, they are saying the rules need to be fixed again, and this time by the House. I am sorry, I realize this may seem like a joke, but I am not making it up.

What we have here is obstruction, pure and simple. It has been 172 days since we passed these earmark transparency rules, and the majority will still not allow them to be enacted. Several Senators on the other side are determined to block these rules and prevent them from ever being implemented. They have now publicly acknowledged that they intend to change the rules behind closed doors and, according to several media reports, the majority leader is even willing to cancel the entire August recess to force those of us who want earmark reform to capitulate. He wants us to stop fighting for the American taxpayers. That is not going to happen. So the quicker we end the obstruction of these earmark reform rules, the quicker we can get on to other business.

I intend to fight for these rules even if it means staying here every day in August. In fact, that might mean the best outcome of all. We need to have a national dialog in this country about how Congress spends Americans' hard-earned tax dollars. I think it would be good for those in this Chamber to explain to the American people why they don't want to be transparent in how we spend their money. That is a discussion we need to have here.

I am now going to seek consent one more time to enact these important disclosure rules. And I ask the majority, if they don't like the language they developed, then make suggestions of how they want to change it. But in the meantime, I think we should go to conference on this lobby and ethics reform bill.

I ask unanimous consent that the Rules Committee be discharged from further consideration and the Senate now to proceed to S. Res. 123 and S. Res. 206, the earmark disclosure resolutions, all en bloc; that the resolutions be agreed to and the motions to reconsider be laid upon the table. I further ask that the Senate then proceed to the immediate consideration of H.R. 2316, the House-passed ethics and lobbying reform bill; that all after the enacting clause be stricken and the text of S. 1, as passed by the Senate, be inserted in lieu thereof; that the bill be read a third time, passed, and the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees at a ratio of 4 to 3.

The PRESIDING OFFICER (Mr. WEBB). Is there objection?

The majority whip.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I seek recognition.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, so we understand what happened, the Senate passed an ethics reform bill. It is a big bill. There are a lot of provisions in the bill that we felt were necessary because of some of the wrongdoing that occurred in Washington over the last several years. We went after the Jack Abramoff scandal. Remember that lobbyist? He is in prison. He had a pretty sweetheart arrangement here. He was sticking things in bills. It went on and on. I will not go into all the gruesome details, but we decided to break this kind of cozy relationship between lobbyists and some Members on Capitol Hill. And then we started to take a look at some of the other aspects of things that were troubling people.

We went into the question of gifts, how much can a Senator receive.

We went into the question of leaving the Senate and picking up a big-paying job as a lobbyist, within a few months making a lot of money. That has happened too often. We said, let's slow down this revolving door.

We went after the disclosure of private employment negotiations that Senators and Congressmen were entering into while they were still sitting in the House of Representatives and in the Senate.

We expanded lobby disclosure requirements. We went to great lengths and said lobbyists have to tell us a lot more about what they are doing with their money and time.

Then we went into prohibiting the old K Street Project. Unless you are a real insider on Capitol Hill, you may not remember that one, but they used to have—I am not kidding now—weekly meetings in the office of a U.S. Senator where the lobbyists would come in and tell them the amendments they wanted, and then the Senators would tell them what fundraisers were coming up. I don't know if there was any connection, but some people thought there was a connection. We put an end to that practice.

Then we talked about Members who were convicted of certain crimes losing their pensions. Understandable, if you are guilty of felonious conduct relating to official duties, that might follow.

Then we talked about the integrity of the process so Members couldn't dump little things in at the last minute in conference reports that hadn't been considered in the House and Senate.

And, of course, we went to the question of earmarks. That was an important part of this bill, but it sure wasn't the only part. Listen to everything I read.

So now we are trying to get this bill to conference. We want to take this bill to conference and work with the House and pass the most significant ethics reform bill in the history of Congress. It is long overdue. I think most Americans would say: Why haven't you done it already? I can tell you why for 12 days we haven't done it: Senator DEMINT of South Carolina has objected. Senator DEMINT, the man who took the floor and used my name a dozen times, as a great ethics reformer is the Senator who objects to going to conference to make these proposals which passed the Senate—similar measures passed the House—the law of the land. Why? Because he picked one paragraph out of the bill related to earmarks and he wants a guarantee that is going to come out of the conference without a change. I believe it probably will. Mr. President, do you know what the final vote was when it passed the Senate? It was 98 to 0. It is a pretty good indication he is going to see either the exact language he proposed or something very close to it. But unless he gets a locked-down guarantee to get every word of that, he is going to stop all of these efforts at ethics reform. He is going to stop the efforts to put an end to the K Street Project, he is going to stop the efforts of more disclosure, he is going to stop the effort to eliminate outrageous gifts between Members of Congress and lobbyists, and he does this in the name of ethics. I don't follow this at all.

For 12 days now, Senator DEMINT has held up our effort to take the ethics bill to conference. For 12 days, he has come to the floor and has said it is because he really believes in ethics. It doesn't track. It doesn't follow. It doesn't wash in Illinois or in South Carolina. I wish he showed a little more humility in this process. That he is going to stop the whole ethical reform because of his section—he is worried about his section I don't think is right. I think he should trust in the substance of his earmark reform, trust in the fact that 98 Senators supported it, trust in the fact that in the end it was a bipartisan agreement. I offered an amendment on the Democratic side to his amendment on the Republican side. What I offered was an amendment calling for more disclosure. Put all the earmarks on the Internet so the whole world can see them. I think that is the way it should be.

I chair a subcommittee of the Appropriations Committee. My staff has been working long and hard over the last several weeks to put a bill together. We were on the phone late last night putting all the finishing touches on it. It is going to be the most transparent appropriations bill covering these agencies in the history of the United States, and that is the way it should be. Every Member who has asked for anything in this bill, whether it is in bill language or committee report language, is going to be disclosed. Every Member has to stand by every request they make, and it is printed right there for the world to see. That is the way it ought to be. That isn't enough for the Senator from South Carolina. I am not sure what he wants beyond that. We are already putting into practice what the Senate has virtually accepted, with some slight modifications but nothing of substance. Yet he wants to stop the whole ethics process. I suppose that is

his idea of reform, to stop reform. But it is certainly not my idea of reform.

Mr. President, I ask unanimous consent that the ethics bill that has passed the Senate and the House be sent to conference for consideration.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. On behalf of the junior Senator from South Carolina, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I acknowledge my colleague on the other side of the aisle is standing in for the Senator from South Carolina, but if we are ever going to get to ethics reform, we clearly have to move to conference, and conference is going to require agreement on both sides of the aisle and the understanding—incidentally, the Senator from South Carolina characterized the conference committee as the secret conference committee. He is caught up in the old way of doing things. The new way is that the doors will be open. He can come. In fact, I hope the Republican leader will appoint him as a member of the conference committee. Regardless, it is going to be open for him to come and at least observe, if not participate, in this process.

It is a new day for the conference committees, and I certainly hope the Senator from South Carolina will reconsider, will stop his ethics filibuster, the DeMint ethics filibuster, which is now in its 12th day, and allow us to move to this ethics bill for its consideration.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 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.

AMENDMENT NO. 2011

Mr. NELSON of Nebraska. Mr. President, on behalf of Senator LEVIN, I call up his substitute amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for Mr. LEVIN, proposes an amendment numbered 2011.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. NELSON of Nebraska. Mr. President, I wish to begin my comments on this year's National Defense Authorization Act by thanking the members of the Personnel Subcommittee, and I would especially like to thank Senator LINDSEY GRAHAM. He and I have worked together for several years on the Personnel Subcommittee.

Mr. WARNER. Would the Senator yield, so I might propose a unanimous consent request?

The PRESIDING OFFICER. Will the Senator from Nebraska yield?

Mr. NELSON of Nebraska. Yes.

Mr. WARNER. I thank the Presiding Officer.

Mr. President, following the remarks of the Senator from Nebraska, I would like to ask unanimous consent that I be recognized so I can speak on behalf of the ranking member, Senator MCCAIN, with regard to the bill which is now being brought up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that Senator WEBB be recognized after Senator WARNER for Senator WEBB's comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, as I was saying, Senator GRAHAM and I have worked together over these past several years—he has been chairman and I have been the ranking member—and I have always found our time on the subcommittee to be decidedly nonpartisan. All members of the Personnel Subcommittee have tried to do what is right by the servicemembers and their families. We are always focused on how best to serve those who serve us. So I say to Senator GRAHAM: Thank you very much.

This year, as in past years, the Personnel Subcommittee focused on improving the quality of life of the men and women in the armed services, including Active-Duty, National Guard and Reserve personnel and their families. There is an old axiom in the military that you recruit the soldier, sailor, airman or marine, but you retain the family. In the wake of the difficulties exposed at Walter Reed, we felt especially compelled this year to focus not just on the servicemember but also on his or her family and I am pleased with the bill and recommend it to my fellow Senators.

The bill before us authorizes $135 billion for military personnel, including pay, allowances, bonuses, death benefits, and permanent change of station moves. The bill contains many important provisions that will improve the quality of life of our men and women in uniform and their families.

First and foremost, the bill authorizes a 3.5 percent across-the-board pay raise, which is half a percent higher than the average pay raise in the private sector as measured by the Employment Cost Index. It is also half a percent higher than the administration's proposal of a 3-percent increase in pay. This increased pay raise recognizes the outstanding service and the sacrifice of the men and women of the armed services and their families.

The bill also addresses the administration's request to increase the end strength of the Army and the Marine Corps. The committee supports the requested increases in end strength for the coming fiscal year but funds the entire authorized end strength in the base budget rather than in a combination of the base budget and the war-related supplemental. The committee believes the increases in end strength are no longer uniquely tied to the war effort. The bill authorizes fiscal year 2008 end strengths of 525,400 for the Army and 189,000 for the Marine Corps.

The bill would expand combat-related special compensation to all servicemembers eligible for retirement pay who have a combat-related disability. This special compensation is currently denied to our wounded warriors who are medically retired with less than 20 years of service.

The bill would also reduce below age 60 the age at which reservists may begin to receive their retired pay by 3 months for every aggregate of 90 days of active duty performed under certain mobilization authorities.

The bill authorizes all servicemembers to carry up to 90 days of leave from one fiscal year to the next and allows certain servicemembers to sell back up to 30 days of leave under special leave accrual provisions affecting deployed servicemembers.

The bill would change the death gratuity and survivor benefit plan to allow servicemembers to choose to leave death benefits to a guardian or a caretaker of their minor child or children.

The bill also amends the Immigration and Nationality Act to make it easier for spouses and children accompanying servicemembers assigned overseas to qualify for citizenship.

The bill includes provisions that would allow the Department of Defense to continue to provide top quality health care to servicemembers and their dependents. The bill authorizes $24.6 billion for the Defense Health Program and takes steps to ensure that TRICARE is available to beneficiaries who desire to use it.

The bill enhances the ability of the services to attract critically short health care personnel by authorizing a new bonus for referring to military recruiters an individual who is commissioned in a health profession, by authorizing an increase from $50,000 to $75,000 in the maximum incentive special pay and multiyear retention bonus for medical officers and by authorizing the Secretary of Defense to pay an accession bonus of up to $20,000 to participants in the Armed Forces Health

Professions Scholarship and Financial Assistance Program.

The committee rejected the administration's proposal to give DOD broad authority to increase the cost of TRICARE for military retirees and their families and authorized the use of Federal pricing to reduce the cost of pharmaceuticals dispensed through the TRICARE retail pharmacy program.

Finally, the bill authorizes $50 million in Impact Aid to local school districts, including $5 million for educational services to severely disabled children and $10 million for districts experiencing rapid increases in the number of students due to rebasing, activation of new military units or base realignment and closure.

Before closing, I would like to say a few words about the Dignified Treatment of Wounded Warriors Act. The committee unanimously reported out this legislation on the 14th day of June as a stand-alone bill. It is very important to ensure that our wounded heroes and their families are provided the very best in medical care and transition services the Government can provide. I understand the Dignified Treatment of Wounded Warriors Bill will be offered as an amendment to this bill, so I encourage all my colleagues to support this extremely important and timely piece of legislation.

Again, I would like to thank Senator GRAHAM and all the members of the Personnel Subcommittee. I look forward to working with our colleagues to pass this important legislation as promptly as possible.

Mr. WARNER. Mr. President, I would like to say what a pleasure it is to join my good friend from Nebraska, a member of the Armed Services Committee, on the floor on the occasion of the 29th authorization bill that I have been privileged to join with other colleagues on the floor submitting to the Senate. Earlier today, I had a lengthy meeting with Senator LEVIN, our distinguished chairman, and I have also had the benefit of a report from the distinguished ranking member, Senator MCCAIN, who has returned from a trip to Iraq. So on behalf of our two principals, we are here today to initiate consideration of this all-important bill at a very critical juncture in the history of our great Nation.

I am privileged to rise in support of this piece of legislation, Mr. President. The bill was voted out of our committee unanimously, and that has usually been the case. I say that with a sense of pride through the many years I have served on the committee, over half that time as either the chairman or the ranking member. Our committee is proud of the fact that members of the committee, as well as our respective professional staffs, work together to try to achieve the highest possible degree of bipartisanship, given that we are entrusted, under the Constitution, the Senate, and the Senate has entrusted our committee with bringing forth each year the recommendations on behalf of the men and women in the Armed Forces.

I commend our distinguished chairman, Mr. LEVIN, and Mr. MCCAIN, the ranking member, for the markup session, which my colleague and I were in attendance I think throughout. It was done expeditiously, fairly, and openly, in terms of all Senators being given every possible option to present their views in preparing for the bill that is now on each Senator's desk. So again, I thank and join my colleague from Nebraska in thanking the chairman and ranking member and our staffs because I think we have achieved a truly bipartisan endeavor on behalf of the committee and forwarded to the Senate.

As the ranking member, Mr. MCCAIN, and I worked with our subcommittees, and indeed Mr. LEVIN. I attended a number of subcommittee meetings. We were fortunate to have strong chairmen of the subcommittees and ranking members, as my colleague from Nebraska mentioned in his opening statement, together with a strong professional staff, and their reports, by and large, were incorporated in the bill. Therefore, the committee has met its responsibility and fully funded—I repeat, fully funded—the President's $648 billion budget request for national defense.

As Members of the Congress, funding our Nation's defense is a fundamental responsibility. We must ensure our military is prepared, well trained, and well equipped to defend us and our allies in today's very complex world of threats. We must provide the best resources with the best value for our Armed Forces. We owe that to our service men and women, to their families, and, indeed, to the taxpayers. I am proud to say that, in my judgment, this bill meets those criteria.

The bill approves $2.7 billion for items on the Army Chief of Staff's Unfunded Requirements List, including $775 million for reactive armor and other Stryker requirements, $207 million for aviation survivability equipment, $102 million for combat training centers, and funding explosive ordnance disposal equipment, night vision devices, and other weapons. These are critical items in our fight against al-Qaida, the Taliban, and other threats throughout the world. Given the dangers we face as a nation, our men and women in uniform should want for nothing in our battle against terror.

I selected the Army to start with because I am very admiring of the Chief of Naval Operations, who is alleged to have said recently that while he is proud to be Chief of the Navy, his biggest concern today is that of the needs of the U.S. Army, and, indeed, the President has recently indicated that if all goes well in the course of the hearings in the Senate and our committee and the Senate confirms Admiral Mullins to be the next Chairman of the Joint Chiefs, he truly inherits that mantel of heavy responsibility showing equal regard for our services. But he did single out the Army as an institution at this time badly in need of the attention, not only of the Chairman of the Joint Chiefs office but indeed of the Congress of the United States.

I believe with the increase in the end strength of the Army, we have met the President's request to do what we can at this critical time to keep our Army strong, particularly for those families who at this very moment—thousands and thousands of families—have their loved ones serving abroad in Iraq and Afghanistan.

Likewise, the committee approved for the Navy the first next generation—that is the first ship in the next generation of our carriers, proudly named, in large measure by the urging of the Senate, the U.S.S. *Gerald Ford* for the former President of the United States, the former Republican leader in the House of Representatives.

It has also restructured the littoral combat ship program to achieve maximum value and accountability. Moreover, we approved $4.1 billion of Mine Resistant Ambush Protected—that is the MRAP—vehicles for all the services.

The committee also decided to assign fixed-wing, intra-theater airlift functions and missions to the Air Force and shift Army aircraft funding in 2008 to the Air Force, which was unusual but necessary to achieve improved efficiency and synergy in our airlift capability.

While weapons and equipment are critical in any conflict, it is the support we give our soldiers, sailors, airmen, and marines that determines success or failure.

We are asking more of our troops today than we did a generation ago—with longer and successive deployments. Our troops deserve our respect and gratitude for the countless sacrifices they and their families make daily. I welcome the committee's decision to approve a 3.5 percent across-the-board pay raise for all military personnel and the authorization of $135 billion in allowances, bonuses and other benefits. We are improving the quality of life for our men and women in uniform while enhancing our future readiness.

The committee has approved measures that satisfy our current and future requirements. We've increased the end strengths of the Army and the Marines to 525,400 and 189,000, respectively. By boosting the Army's and the Marines' numbers, I hope we can build a more flexible active-duty force and deploy reservists more prudently.

I thank the chairman for his leadership. The committee has approved a bill that meets the President's request, the needs of our troops and is fiscally responsible to our constituents. I hope my colleagues will join me and members of the committee in supporting this year's Defense authorization bill.

I wish to draw the attention of the Senate at this time to the following. We today start this bill amidst great

concern. We start very important legislation at a time in our history unlike any I have witnessed. I share the privilege of being among the elder Senators in this Chamber. The conflict in Iraq in particular is posing extraordinary challenges both to our President, the Commander in Chief of the Armed Forces, and to the Congress which must provide the needed support. Indeed, we owe no less than the greatest obligation to the many people of our United States of America whose families, one way or another, are involved in these conflicts—largely by virtue of proudly wearing the uniform of one of our services—but there have been literally tens of thousands of other Americans who are taking risks in these conflicts to give support to the men and women of our Armed Forces.

Many colleagues over the recess period have expressed their concerns, quite properly, about certain directions that our Nation could be taking and is now taking, and otherwise, to address the conflicts—primarily in Iraq. I anticipate a number of amendments will be brought forward in the coming days—weeks, perhaps—as the Senate debates this bill. I encourage that. I thoroughly believe the depth of the complexity of the Iraq situation deserves the attention of each and every Senator. I hope they will avail themselves of such opportunities as they can to address their fellow Senators and convey their thoughts.

Several have recently spoken out very strongly on this issue. I personally have commended each and every one, even though I may not fully agree with all of their statements. This is a critical time in America's history. That is the purpose of this Senate, which is recognized perhaps as the one forum among the legislative branches throughout the world where there is literally almost total freedom for any Member of this body to come forward and address his or her fellow Senators and express his or her views.

I look forward in the coming days and weeks to engaging in debates. A number of us—I don't single myself out, but quite a few—have been asked by the press, do we have views at variance with the President's, at variance with those of some of our colleagues. I am speaking only for myself. I have decided to withhold some of the views I currently am looking at. I spent a good deal of time in the recess period visiting personally at the various agencies and departments of our Federal Government entrusted with intelligence responsibilities, security responsibilities, and other responsibilities with regard to these conflicts. I profited greatly. Each time, while I may not have agreed with everything that was related to me, I was certainly impressed by the quality of people and their professionalism throughout the Civil Service ranks of our Federal Government with regard to their discharging their individual responsibilities at this point in time in our history on issues which are extremely complex to resolve.

I also briefly responded to press inquiries this morning about the timing of what thoughts I may have, and when I might share them with my colleagues. I am frequently—today being an example—speaking privately with a number of colleagues in this body on their views. But publicly I have decided to withhold some ideas I may have which may be incorporated in one or more amendments until such time as the President has had the opportunity to address the Nation.

I wish to go back in a very respectful way and remind the Senate of the legislation, the appropriations bill passed some 6 or 7 weeks ago. That bill included a bill that I and others brought to the Senate floor. It received, I think, over a majority of votes. That bill that I brought to the floor together with a number of cosponsors—indeed, my distinguished colleague from Nebraska was very much an active party with it—that bill was embraced in the final version of the appropriations bill which became the law of the land.

In that bill the provisions that we discussed and debated here in the Senate, and indeed which had passed by a majority vote, required as follows. I wish to read the ''Reports Required'' portion.

The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved.

I had the opportunity this morning to join his senior staff at the White House and discussed my views with them. We discussed this report. I left that meeting this morning with the definite impression that the White House and other elements of our Government are approaching this legislative requirement—which originated in this Chamber and was adopted by this Chamber and eventually became law—they are approaching that responsibility with an absolutely sincere depth of commitment.

I was asked by the press whether I thought they would brush it off. I resoundingly replied, ''No.'' As a matter of fact, I have reason to believe that the Secretary of State and the Secretary of Defense are very actively working with senior White House staff and others—the Director of our Intelligence, the Director of the CIA—they are all actively working in preparation of that report.

I read the next provision in our bill.

The President, having consulted with the Secretary of State, the Secretary of Defense, the Commander of Multi-National forces—Iraq, and the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit [it] to the Congress.

Paragraph 3:

If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group—commonly referred to as Baker-Hamilton—as he deems appropriate.

No. 4:

The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria, outlined above.

No. 5:

The reporting requirement detailed in section 1227 of the National Defense Authorization Act for Fiscal Year 2006 is waived. . . .

—given that these reports are going to be put in.

Speaking only for myself, I am going to withhold any comments I have specifically in large measure out of deference to exactly what we asked the President to do and exactly which I feel the President is about to do. I have reason to believe and it is my hope that it is done possibly a little earlier than the 15th, since the 15th falls on a day this weekend, thereby giving Members the opportunity to see exactly what he has done in response—again I reiterate—to the law as written by the Congress and a law that originated in this Chamber.

With that, I look forward to the week, working with my colleagues.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The junior Senator from Virginia is recognized.

AMENDMENT NO. 2012 TO AMENDMENT NO. 2011

Mr. WEBB. Mr. President, I call up a bipartisan amendment with 29 of my colleagues that is focused squarely on supporting our troops who are fighting in Iraq and Afghanistan. I now send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia, Mr. WEBB, for himself, Mr. HAGEL, Mr. REID, Mr. LEVIN, Mr. DURBIN, Mrs. MURRAY, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. BYRD, Mr. TESTER, Mrs. MCCASKILL, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. HARKIN, Mrs. FEINSTEIN, Mr. BROWN, Mrs. LINCOLN, Mr. PRYOR, Mr. SANDERS, Mrs. BOXER, Ms. KLOBUCHAR, Ms. MIKULSKI, Ms. CANTWELL, Mr. DODD, Mr. AKAKA, Mr. BIDEN, Ms. STABENOW, and Ms. LANDRIEU proposes an amendment numbered 2012 to amendment No. 2011.

Mr. WEBB. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To specify minimum periods between deployment of units and members of the Armed Forces for Operation Iraqi Freedom and Operation Enduring Freedom)

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

SEC. 1031. MINIMUM PERIODS BETWEEN DEPLOYMENT FOR UNITS AND MEMBERS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) unless the period between the deployment of the unit or member is equal to or longer than the period of such previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be equal to or longer than twice the period of such previous deployment.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(C) Units and members of the regular Navy.

(D) Units and members of the regular Air Force.

(E) Units and members of the regular Coast Guard.

(b) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) if the unit or member has been deployed at any time within the three years preceding the date of the deployment covered by this subsection.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that—

(A) the units and members of the reserve components of the Armed Forces should not be mobilized continuously for more than one year; and

(B) the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be five years.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the Army Reserve.

(B) Units and members of the Army National Guard.

(C) Units and members of the Marine Corps Reserve.

(D) Units and members of the Navy Reserve.

(E) Units and members of the Air Force Reserve.

(F) Units and members of the Air National Guard.

(G) Units and members of the Coast Guard Reserve.

(c) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (a) or (b) with respect to the deployment of a unit or member of the Armed Forces specified in such subsection if the President certifies to Congress that the deployment of the unit or member is necessary to meet an operational emergency posing a threat to vital national security interests of the United States.

(d) WAIVER BY MILIARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Army (or the designee of the Chief of Staff of the Army).

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Naval Operations (or the designee of the Chief of Naval Operations).

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Marine Corps (or the designee of the Commandant of the Marine Corps).

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Air Force (or the designee of the Chief of Staff of the Air Force).

(5) COAST GUARD.—With respect to the deployment of a member of the Coast Guard who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Coast Guard (or the designee of the Commandant of the Coast Guard).

Mr. WEBB. Mr. President, I wish to point out as of this point there are 29 cosponsors on this amendment. They include our majority leader as well as Senator HAGEL as the lead Republican cosponsor, Senator LEVIN, the chair of our committee, Senators OBAMA, CLINTON, DURBIN, TESTER, BYRD, MCCASKILL, KENNEDY, SALAZAR, KERRY, HARKIN, FEINSTEIN, SCHUMER, BROWN, PRYOR, SANDERS, MURRAY, KLOBUCHAR, BOXER, MIKULSKI, CANTWELL, STABENOW, AKAKA, DODD, BIDEN, and LANDRIEU.

This is an amendment that is focused squarely on supporting our troops who are fighting in Iraq and Afghanistan. It speaks directly to their welfare and to the needs of their families by establishing minimum periods between deployments for both our regular and reserve components.

I offer this amendment having grown up as a military family member, having watched a father deployed, as one who has served as a marine and been deployed, as one who has had a family member deployed in this war, and also as someone who, for 3 years, was privileged to oversee our National Guard and Reserve programs as Assistant Secretary of Defense, during which time I also spent a good bit of energy looking at mobilization issues, including how manpower flow issues were predicted to have occurred if we went to war.

The manpower policies that are feeding the situations in Iraq and Afghanistan presently are unprecedented in our history. This not only involves the repeated use of a small pool of active Army and Marine Corps forces, it also regards the use of the National Guard and Reserves at a tempo that we never could have anticipated when we were designing the total force concept.

It also involves the use of contractors doing so-called security work, performing missions that historically have been the responsibility of American military men and women. Now in the fifth year of ground operations in Iraq, this deck of cards has come crashing down on the backs of our soldiers and marines who have been deployed again and again, while the rest of the country sits back and debates Iraq as an intellectual or emotional exercise.

These men and women are doing a wonderful job. They are also paying a heavy price. That price became clearer in a wide variety of statistics, which I will address momentarily, as well as in the personal stories that we who have positions of authority are hearing on a daily basis. I and other supporters of this amendment believe no matter what one's view is of America's involvement in Iraq, the time has come for the Congress to place reasonable restrictions on how America's finest, our military men and women, are being used.

Stated simply, after more than 4 years of ground operations in Iraq, we have reached the point where we can no longer allow the ever-changing nature of this administration's operational policies to drive the way our troops are being deployed. In fact, the reverse is true. The availability of our troops should be the main determinant of how ground operations should be conducted.

Other amendments will be debated during the days ahead relating to the withdrawal of our forces from Iraq, the proposed timetables and future course of the war, but this is one area where we all, as Democrats and Republicans, should be able to come together. This relates in some measure to what the distinguished senior Senator from Virginia was talking about a few minutes ago—whether there is a report coming out in a week, whether there is an evaluation taking place in September. And no matter what any of us believe about the future conduct of the war or about this timetable or that timetable, we owe it to our troops and to their families to establish a minimum floor for their combat deployments.

If we are serious about supporting our troops, there is no better place to start than to correct the current troop rotation policy by requiring a minimum amount of time between deployments. I said this in the Chamber in March: The motivation behind this amendment is simple. It is the same motivation that impelled me more than 30 years ago when I first started working on veterans issues: How do we support the troops? What does that mean? Who speaks for the troops?

Like you, I listen to what they are saying. Here is what a constituent in Virginia wrote to me recently. Her husband is an Active-Duty Infantry officer who is presently deployed in Iraq. She wrote:

As an Army wife I brace myself for the possibility that he may be extended for a few

months based on the recent troop surge, and, of course, he was. This morning on the news I heard that President Bush is extending the Army troops again. Enough is enough.

She wrote.

I am a patriotic American and an Army wife, but even we have our limits. My husband has lost numerous soldiers, we have dozens of amputees at Walter Reed and elsewhere, and morale is dropping. These men need to come home. Please speak out against another extension. Please bring our overextended soldiers home.

After 4 years of combat, we must provide our troops and their families with a predictable operational tempo that has adequate dwell time between deployments. We owe this to our active participants but also to the participants in the National Guard and Reserves.

Why is this bipartisan amendment so important? We all know the reason well enough: a small group of people is answering the call time and again. The result is that our ground forces in particular are being burnt out. The evidence is everywhere. We see it in falling retentions of experienced midgrade officers and noncommissioned officers. The increasing attrition rate among Army company-grade officers is serious enough that our committee, the Senate Committee on Armed Services, included a reporting requirement on the Army's retention programs and incentives in the authorization bill that is now before us.

We see it in the West Point classes. In 2000 and 2001, the most recent classes that finished their initial 5-year obligations, we are told that their attrition is five times the level that it was before Iraq for such classes. The statistics we have been shown indicate that 54 percent of the West Point class of 2000 left the Army by the end of last year, and 46 percent of the class of 2001 left the Army by the end of last year.

Senator WARNER mentioned Admiral Mullen who is a longtime friend, a Naval Academy classmate, now waiting for confirmation as the next Chairman of the Joint Chiefs of Staff. He was recently asked what was the thing about which he was most concerned. He said, ''The Army.'' And we are not talking about equipment. We are talking about the Army.

The Marine Corps is also seeing an upward trend in the loss of critical midgrade noncommissioned officers. We also find new evidence of troop burnout in more numerous mental health issues arising from multiple combat deployments. These are statistically observable. There is a new report by the Department of Defense that documents a higher rate of mental health issues for servicemen deploying multiple times or for more than 6 months. A survey of servicemembers after their deployments found that 38 percent of our soldiers, 31 percent of our marines, and 49 percent of the National Guard report psychological problems following their combat deployments.

The failure of current rotation policies to protect the welfare of our troops and their family members in both Regular and Reserve components is well documented. This is an example drawn from the pages of our servicemembers' own newspaper, the Stars and Stripes.

Last week, the paper described how Army SGT Troy Tweed, newly assigned to the 2nd Brigade of the 1st Armored Division, is slated to deploy to Iraq before a full year of dwell time at home. Sergeant Tweed returned home 5 months ago from his last deployment to Iraq. He is one of many former members of his old brigade who is slated to deploy 3 to 4 months early because they received a new assignment. This will be Sergeant Tweed's fifth deployment to Iraq or Afghanistan.

He says to the Stars and Stripes:

It feels like the individual situation of soldiers isn't taken into account, you are just like a number.

The newspaper said it best.

Soldiers like Tweed fall through the cracks.

Closer to home, the Virginia Army National Guard, roughly 1,400 members of the 116th Infantry Brigade Combat Team, the famous Stonewall Brigade, has been mobilized. I would point out as an aside that this is a brigade with a long history that dates back to the Civil War, and, in fact, one of my ancestors fought in that brigade during the Civil War, was wounded at Antietam, and lost his life at Chancellorsville.

The brigade presently is in training in Mississippi and will deploy to Iraq in September. Deploying with this brigade are 700 members of the 3rd Battalion who returned only 2 years ago from a deployment in Afghanistan. Forty percent of this battalion will be making its second combat deployment in less than 3 years as members of the National Guard.

One colonel, a brigade commander stationed in Iraq, recently described his soldiers this way: They have spent the last 4 years on a continuous cycle of fighting, training, deploying, and fighting, and they see no end in sight. They have seen their closest friends killed and maimed, leaving young spouses and children as widows and single-parent kids. They want time for themselves and time to raise families for a while.

When they look forward to a 15-month deployment with 12 months in between, they see their home station time as being compressed, with intensified training, which means more time away from families and personal pursuits.

I know my colleagues on both sides of the aisle have heard similar stories. I would just like to point out that this cycle, the strategy driving our troop rotation, must be reversed. The bipartisan amendment I introduced this afternoon takes a modest step to reverse this practice by establishing a floor for minimum periods between deployments for both units and members.

It says if a unit or member of a Regular component deploys to Iraq or Afghanistan, they will have the same time at home, dwell time, before they are deployed; for Guard and Reserves, they will have three times the amount of time that they were deployed.

This is not a grand scheme to achieve an ideal troop rotation scenario. The ideal rotation scenario is two to one for Active, and five to one for Guard and Reserves, which we put in this amendment as a goal. What we are attempting to do is to put a floor under this and state what would be optimal. I would point out that the Adjutant General of my State of Virginia, MG Robert Newman, told us today that it is important to consider alternatives like this, like a minimum dwell time that will provide this sort of predictability.

Active Army units now deploy for 15 months with a 12-month period between deployments. Many Active Marine Corps units are also below the one-to-one rotation cycle. Individual soldiers and marines who have recently returned from deployment are also reassigned as backfills to new units marked for deployment.

Dwell time is not downtime. It entails frequent absences as units retrain, refurbish, reequip, and assimilate new members. After the first month at home, for example, a marine generally spends 48 days in the field away from family, firing on the rifle range, or on weekend duty.

This amendment provides for fair and reasonable waivers. It gives the President the waiver authority in the event of an operational emergency that poses a vital threat to our national security. This is a low threshold. It will allow the President to respond to any emergency operational requirement, including those in Iraq and Afghanistan by certifying a need to waive the amendment's limitations.

It provides military departments the authority to waive individual volunteers. In other words, if you want to go back sooner you can.

Contrary to some critics, the amendment does not micromanage the President in his role as Commander in Chief, nor does it tie the hands of our operational commanders in theaters. A more predictable dwell time will be transparent to our forward-deployed commanders. Military departments have long experienced managing people as individuals. We fought the Vietnam war on an individual rotational policy, before the widespread use of today's information technology systems that make it far easier for us to monitor when an individual returned from a deployment so that you have a date certain for when his dwell time would expire.

There was some comment about constitutional authority. The constitutional authority of this amendment is clear. Article I, section 8, of the Constitution empowers the Congress to make rules for the Government and regulations of the land and naval forces.

As Acting Secretary of Army Geren stated during his confirmation hearing last month:

Article I of the Constitution makes Congress and the Army full partners.

There are precedents for this action. Congress has acted in a similar way in the past. The best recent example was in 1961 during the height of the Korean war when Congress intervened to ensure our servicemembers were not sent to war before they were properly trained. The Selective Service Act was amended to provide that every person inducted into the Armed Forces would receive full and adequate training for a period not less than 4 months.

The law also stipulated that no personnel during this 120-day period would be assigned for duty outside the United States.

It could have been argued in the Korean war that we had manpower requirements that should have allowed the Department of Defense or the operational commanders or the President as Commander in Chief to send military people outside of the country before they had 120 days of training. But the Congress intervened and said: No; 120 days is essential for the well-being of our troops, just as this amendment today says that dwell time, time back home, is essential for the well-being of our troops.

This Chamber has a clear duty to assert our authority to prevent further damage to our military. The current strategy, the current operational policy does not justify the way we are deploying our troops.

I urge my colleagues to recognize this common interest we share in addressing the welfare of our troops and their families. I have been encouraged to hear sentiments echoed recently by some of my colleagues on the other side of the aisle who are equally interested in forging a new road to the future, including Senators LUGAR, DOMENICI, VOINOVICH, COLLINS, and even my senior colleague from Virginia, Senator WARNER. They have studied the course of the war in Iraq. They ask the same questions that trouble us all: How can we continue to ask our troops to sacrifice indefinitely while the Iraqi Government is not making measurable progress, and many other questions.

The bottom line in all of this is that as we move forward responsibly to relocate our military from Iraq over a period of time, we cannot continue to do what we are doing to the troops we are sending over and over again. We seek a conclusion at the end of this engagement that will enable us to withdraw our combat forces from Iraq, that will lead to progressively greater regional stability, that will allow us to fight international terrorism more effectively, and that will enable us to more fully address our broader strategic visions around the world. The American people expect us to do that, to move our country forward in a collaborative way, but they also expect us to use our troops in a way that addresses their welfare and uses them in a way that is more properly related to the tasks at hand in Iraq and Afghanistan. So we can no longer continue to place such a disproportionately large burden on the shoulders of so few people. We need a balance. It is up to the Congress to establish that balance.

As a young Army wife wrote to me recently: Enough is enough.

I thank my colleagues who have signed on as original cosponsors, and I urge all colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Florida.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE SESSION

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that at 4:30, the Senate proceed to executive session; that there be 1 hour for debate equally divided between Senators LEAHY and SPECTER or their designees; that at 5:30 p.m., the Senate vote on Calendar No. 138, followed by 20 minutes for debate on Calendar No. 140, equally divided between Senators LEAHY and BROWNBACK; that at the conclusion or the yielding back of that time, the Senate vote on Calendar No. 140; that if Calendar No. 140 is confirmed, the Senate then vote on Calendar Nos. 139 and 154; that the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I ask unanimous consent to add Senator HAGEL as a cosponsor to my amendment No. 2000 to the 2008 National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2013 TO AMENDMENT NO. 2012

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 2013 to amendment No. 2012.

Mr. NELSON of Florida. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of this bill's enactment.

Mr. NELSON of Florida. It is my understanding Senator HAGEL wants to speak on an amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 2012

Mr. HAGEL. Mr. President, I appreciate the time.

I rise to support the Webb amendment on troop readiness. The distinguished junior Senator from Virginia has taken, once again, an important leadership role on an issue that is as important to our country, to our military, and their families as any one issue, and that is readiness, because it is the men and women whom we ask to fight and die for this country who must always be our highest priority. The men and women who serve this country in uniform and their families deserve a policy worthy of their sacrifices. I appreciate the leadership of my friend from Virginia on this issue. This is part of an amendment Senator WEBB and I had introduced a couple of months ago.

In February of this year, GEN Peter Pace, Chairman of the Joint Chiefs of Staff, reported to Congress that there is now, in his words, ''significant'' risk that our military will not be able to respond to an emerging crisis in another part of the world. Since that time, the United States has sent more of our soldiers and more of our military equipment to Iraq.

The war in Iraq has pushed the U.S. military to the breaking point. I, like most of my colleagues, have been told by military leaders, both on active duty and those who are retired, that we are doing tremendous damage to our Army and to our Marine Corps, as well as our Army National Guard. Our troops are being deployed longer than they should be, more frequently than they should be, and without full training and equipment. We are eroding our military power at a time when our country faces an increasing arc of challenges and threats across the globe. We are abusing our all-voluntary force in a dangerous and irresponsible way. Senator WEBB recited a number of the facts—facts, not interpretations, not subjective analysis, but facts—as to what is happening to our military today because of the burden we are placing on them in Iraq, our fifth year in Iraq, our sixth year in Afghanistan.

This amendment goes to the heart of ensuring the readiness of our military and the time between deployments. This amendment will ensure that all Active units that have deployed to Iraq or Afghanistan have time at home that is at least equal to the length of the previous deployment. If we can't commit at least that to our forces, then what can we commit to them? For the National Guard and Reserves, our amendment establishes a minimum 3 years between deployments. Longer and more predictable dwell time will allow soldiers to rest, reequip, retrain, and return to their families. Our amendment has waiver authority because there can be extraordinary circumstances that require extraordinary use of our military. We have used that over and over and over in Iraq.

Today, in our fifth year in Iraq, in the middle of a civil war, we must return to the standards that allowed us to create the finest military force the world has ever known, the best led, the best educated, the best trained, the

best equipped, and the most committed military the world has ever known. You can't make those kinds of militaries. You can't build those kinds of militaries overnight or even over 5 years. It took some of this country's greatest military leaders post-World War II—more importantly, post-Vietnam—such as General Powell, General Schwarzkopf, and many others, to commit their lives, 35 years of their lives to rebuild a broken military after we broke it in Vietnam. We are headed in the same direction unless we get control of this disaster now. Nothing is more important to our country, to our society than our people.

I urge my colleagues to support this important amendment. I appreciate the leadership of the junior Senator from Virginia who knows something about the military, who knows something about war.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I express my appreciation to the Senator from Nebraska for his leadership on this issue and his support for this amendment. It is my firm hope that people on the other side of the aisle will understand this amendment for what it is and, no matter what their views of the propriety of the war in Iraq or the direction of the President's strategy, will understand this is a minimum bottom line in terms of how the U.S. military is used around the world.

For the record, Senator HAGEL and I, to my knowledge, are the only veterans of ground combat in Vietnam in this body. It is a privilege and a pleasure to have him with me on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I commend Senator HAGEL and Senator WEBB. I was serving as a lieutenant and a captain in the U.S. Army during Vietnam. I was not sent to Vietnam but clearly dealt with all of its aftermath in the duties I did carry in the military. I support the Webb amendment and appreciate his statement and the heartfelt statement of Senator HAGEL.

Earlier, Senator HAGEL had joined me in being an original cosponsor of an amendment the two of us will be offering later having to do with widows and orphans. Senator HAGEL is a longtime supporter of the effort to repeal this offset to the Survivor Benefit Plan by the dependent indemnity compensation.

What we have is Active-Duty servicemembers who pay for an insurance plan called the Survivor Benefit Plan. If they are killed in active duty, their families have some subsistence to carry on which they have provided for because they did that additional paying for what is in effect an insurance plan. In another part of the law under the Veterans' Administration, there is something known as the dependent indemnity compensation, and it, too, takes care of survivors and families. The problem is, the two offset each other and, as a result, particularly with some of the privates and the corporals and the young sergeants who have provided for their families when they are deceased, those young widows are having difficulty making financial ends meet. We have to correct this.

Isn't it interesting all this goes back to statements made by President Abraham Lincoln during the Civil War. In his second inaugural address, he said that one of the greatest obligations of war was to take care of the widow and the orphan. If we look at the cost of war—guns, ammunition, tanks, trucks, airplanes, body armor, all of that is a cost of war. Transportation, logistics, all of that is a cost of war.

Well, there is another cost of war, and it is the cost of war in taking care of the survivors. The U.S. Government ought to plan on, as a cost of the wars in Iraq and Afghanistan, taking care of our veterans and their widows, widowers, and orphans.

So as we get into this Defense authorization bill, we are going to have the privilege of honoring the men and women and families who have given the ultimate sacrifice in service to this Nation. We are going to have the opportunity to remove the injustice facing our veterans. That injustice is this offset which offsets the indemnity compensation—a benefit from the Veterans' Administration—with the Survivor Benefit Plan, which is paid for by our veterans.

So when a veteran, as an Active-Duty military member, has paid out of their own paycheck into the Survivor Benefit Plan—it is similar to an insurance program—they do not get the full benefit because of the surviving spouse's and the children's eligibility under the Veterans' Administration program, the Dependent Indemnity Compensation program.

Now, to offset those two is not right. So this amendment, No. 2000, is going to end that injustice. Senator HAGEL and I will be offering it later on, as we get on in this next 2 weeks, down the road on this Defense authorization bill. But for 7 years, this Senator has been trying to pass this legislation that will remove this offset.

Last year, we passed it in the Senate by a whopping vote of 92 to 6, only the leadership in the conference down in the House whacked it out last year. We are going to try to prevent that from occurring. The objection to it is it costs $8.2 billion over 10 years. But isn't it an obligation of the U.S. Government to take care of the families of their loved ones? I believe it is.

When the Senate passed this amendment that left out some beneficiaries and required repayment of funds in the past, it was even more. It was $9.6 billion. Well, it has now been calculated right at $8 billion.

So that is coming down the road, and I am looking forward to getting into it. I am looking forward to getting a lopsided, whopping vote again in the Senate that will send a strong message to the conference committee to reconcile the House-passed and Senate-passed versions.

Now, I rise in my capacity as chairman of the Strategic Subcommittee of the Senate Armed Services Committee. This overall bill is a good, balanced bill, and it works to ensure the troops are trained, equipped, and supported. The bill was reported favorably to the Senate with a unanimous vote by our committee. It is a good indicator of the bipartisan support for the bill and a reflection of the manner in which this committee has been led by Senator LEVIN, the chairman, Senator MCCAIN, the ranking member, and Senator WARNER, the immediate past chairman, who has stepped in so often for Senator MCCAIN, as he is right now but 7 or 8 feet from me in overlooking and managing this legislation.

I wish to discuss the work of the subcommittee. The Strategic Subcommittee had a good year, and it has been a considerable pleasure for me to work very closely with Senator SESSIONS of Alabama, as the ranking member. Last year it was reversed. Senator SESSIONS was the chairman, and I was the ranking member. So we have worked together for several years with very difficult issues, sometimes contentious, but they did not become contentious this year. We worked out almost all of them.

We held five hearings and several briefings on a wide range of issues. These issues cover everything from space and intelligence, strategic systems, such as bombers, submarines, ground-launched ballistic missiles, the nuclear weapons programs, the missile defense program, and the bulk of the Defense-funded activities of the Department of Energy.

In the last several days, I have had the privilege of visiting our three major National Defense Labs that concentrate on Department of Energy nuclear weapons programs: first, Sandia and then Los Alamos—both of them in New Mexico—and then on to Lawrence Livermore in California. I would commend to all Senators to go and see the work and be briefed on the extraordinarily important stuff that is going on in these national labs, being done by extraordinary people.

In the area of missile defense, this committee, our subcommittee, has continued implementing a policy we established last year, placing a priority on the development, testing, fielding, and improvement of effective near-term missile defense capabilities, particularly to protect forward-deployed U.S. forces and allies against existing threats from short-range and medium-range ballistic missiles.

Where are the threats? The threats the ballistic missile defense is being developed for now are different than what was announced 20 years ago by President Reagan. After President

Reagan and Gorbachev was—well, then he was the head of the Communist Party, and I do not remember if his title was President. But he was, in effect, the leader of the Soviet Union. After their meeting at Reykjavik, Iceland, they started to bring down the numbers of these strategic systems, such as the missiles and the warheads.

Later, President Reagan offered to Mikhail Gorbachev: Well, we will develop this system of national missile defense and we will give it to you and we can both then have, in effect, two systems that assure mutually assured destruction because of so many thermonuclear warheads that we can have to blunt each other.

Well, things changed along the way. The Soviet Union crumbled. But the bulk of all that capability in the Soviet Union is retained by Russia. Happily, there has been the continued progress on the dismantling of the warheads in both the United States and Russia.

But as to the ballistic missile defense program, which had fits and starts, the technical requirements are exceptional, and it has been very difficult to achieve. The requirements of using it changed, and so, in effect, it is being developed now to protect against missiles that may be launched by North Korea against us or against any allies—and Iran. Looking into the future, Iran does not have this real capability today, but we are concerned they will in the future, particularly if their nuclear program continues as they are threatening it will. So the ballistic missile defense program has considerably shifted over the last two decades into a different kind of program.

Now it is facing a crucial test coming up this next month. We will see if all it has been advertised to be able to do, in fact, is done through this test that is going to try to calibrate if, with kinetic energy, with an incoming missile warhead, we can have a ballistic missile defense system that can hit in outer space that incoming warhead and/or warheads—you can imagine what kind of accuracy that has to be—in the midcourse phase in outer space or in the reentry phase, as it is coming back through the Earth's atmosphere.

In order to provide protection against these existing or near-term missile threats, our committee, in the bill, has authorized an additional $315 million to increase or accelerate work on the near-term missile defense capabilities. That includes $255 million for the Aegis BMD, the Patriot PAC–3, and the THAAD systems, which I will describe in a minute. It also authorizes an additional $60 million for the joint Israel-U.S. work on the Arrow missile defense system and on the short-range missile defense. These increases are offset by reductions in far-term and lower priority programs.

With respect to the overall funding, our committee authorized a total of $10.1 billion for the ballistic missile defense programs. That is a net reduction of $231 million below the budget request for the Missile Defense Agency. That is a 2-percent reduction.

Let me summarize what is in the bill. The bill is going to authorize the entire Army funding request for the Patriot PAC–3 program, including funding for its ''Pure Fleet'' initiative. The committee also authorized an additional $75 million to procure 25 additional PAC–3 missiles.

The Patriot PAC–3 system is our only ballistic missile defense system that has already proven to be effective in combat, and we do not have enough PAC–3 units or missiles to provide the capabilities our combatant commanders need today. The committee authorized an additional $75 million for the Aegis ballistic missile defense program to increase the production rate of Standard Missile 3 interceptors, procure 15 additional SM–3 missiles, and accelerate the work on the Aegis BMD single processor and open architecture program.

Now, in a unanimous consent request I previously made to go into executive session at 4:30, since I am not through with my statement, what is the pleasure of the Presiding Officer?

The PRESIDING OFFICER. It is up to the Senator to ask for unanimous consent at this point if he wants to continue speaking and to revise the earlier unanimous consent request.

Mr. WARNER. Mr. President, reserving the right to object, I understood that at 4:30 the Senate was to turn to the debate on the pending judicial nominations which will be voted on at 5:30. Now, the two Senators who were to come to the floor at this appointed time—

Mr. NELSON of Florida. Mr. President, why don't I suggest to the Senator that I continue with my statement until the Senators arrive.

Mr. WARNER. I wish to speak to the judicial nominees. I will tell my colleague what I will do to accommodate the Senator, if he will give me a few minutes and I will put this into the RECORD.

Mr. NELSON of Florida. Mr. President, why don't you, since I am in mid sentence, let me take about 5 more minutes and complete my statement.

Mr. WARNER. Mr. President, I want to accommodate my good friend in any way he wishes to be accommodated, if that is his desire, but with the appearance of one of the Senators on the floor, I hope I can get in under this unanimous consent agreement.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to proceed for 5 more minutes, to be followed by the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, the Aegis BMD program provides an important and improving missile defense capability of $105 million, and that is to increase the missile production rate. The THAAD system has shown good success in its testing program thus far. The bill offers $25 million new for the coproduction of the Arrow system and $10 million to study the suitability of the THAAD missile to serve as a follow-on to Israel's Arrow system. We also have an increase of $25 million for the accelerated joint development of short-range ballistic missile defense, and that is for Israel.

In our bill we had a budget request, and it included $310 million for the proposed development of long-range missile defenses in Europe. That was 10 interceptors in Poland and a large radar in the Czech Republic. The U.S. is just starting negotiations with those nations, and it appears unlikely there are going to be any final agreements before 2009. The proposed interceptor has not yet been developed and is not planned to be tested until 2010. As a result, the proposed construction and deployment activities are premature. So what we do in the bill is reduce the request $85 million for construction activities, and we fence the remaining 2008 funds requested for deployment until two things happen: No. 1, that the host nations have approved any missile defense deployment agreements; and No. 2, that the Congress receives an independent assessment examining the full range of options for missile defense in Europe.

Let me tell my colleagues about the airborne laser. This is a program that has been in some difficulty. What we did was reduce the funding of $548 million requested by $200 million. We discussed it at length in the markup. The airborne laser is a very expensive, high-risk technology demonstration program of a chemical laser, and you have to take huge quantities of chemicals and put them in a 747. There is excellent technology that is being developed on a solid-state laser system, which would fill the volume only from me to Senator WARNER. It could easily be put into an airplane, but we think the cost of this program is exceptionally high. It is going to cost $5 billion; $3.5 billion has already been spent. We felt to hold back on this development by only $200 million out of $548 million would be wise. I will go into more detail at a later time.

We also authorized provisions to improve acquisition and oversight of ballistic missile defense programs, and I won't go into the details on that.

I will tell my colleagues, in conclusion, on our strategic forces with regard to the B–52 bomber modernization program, we had unanimity.

With regard to the space programs where there has been difficulty with a number of them, we had unanimity on that in the committee, and we bring that forth in the report. I will provide those issues later.

Then on nuclear weapons issues, the reliable replacement warhead, we continue unanimously through the next year in what is called the phase II activities. Then an evaluation can be made as to whether to go forward in phase III. But there is a great deal of

promise that is shown in the reliable replacement warhead, which has a great deal of promise of being safer and more secure and less explosive power, more geared to today's targets.

So that is the report from our committee.

Mr. President, following the bloodiest of America's wars, President Abraham Lincoln, in his second inaugural address, said that one of the greatest obligations in war is to take care of the widow and the orphan. The U.S. Government ought to plan, as a cost of the wars in Iraq and Afghanistan, for taking care of our veterans and their widows, widowers, and orphans.

Over the days ahead, this body will have the privilege of honoring the men, women, and families who have given the ultimate sacrifice in service to the Nation. We will have the opportunity to remove the last injustice facing our veterans. That injustice is the one that offsets dependents indemnity compensation, a benefit from the Veterans' Administration, with the Survivor Benefit Plan, which is paid for by our veterans. Those who pay out of their own paycheck into the Survivor Benefit Plan, which is like an insurance program to which survivors would be entitled, don't get the full benefit because of the surviving spouses' and children's eligibility under the dependents indemnity compensation through the Veterans' Administration.

I have filed amendment 2000 to end that injustice. I am pleased that Senator HAGEL will join me in this endeavor as an equal cosponsor. For 7 years I have been trying to pass this legislation that will remove this offset to take care of the widows, widowers, and orphans who have lost a loved one to combat- or service-connected injuries. Last year, this body passed a similar amendment by 92 to 6. I hope that all of my fellow Senators and the majority of the House will pass this amendment to the 2008 National Defense Authorization Act.

Some who object to this amendment will say the cost is too high, $8.2 billion over 10 years. But to those who object, isn't it an obligation of the Government to take care of the families affected by the loss of their loved ones? This Senator passionately and firmly believes it is. Last year, when the Senate passed this amendment that left out some beneficiaries and required repayment of refunds, the cost was $9.6 billion. Now, the cost is lower, all beneficiaries are covered, and the beneficiaries will not have the burden of repaying refunds that should not have been required in the first place. There should never have been an offset.

However, because of the offset, airmen, seamen and privates will find it difficult to make financial ends meet. I say that the families of the men and women who do not return home from Iraq and Afghanistan, who have already lost so much, should not have to endure financial hardships because of this benefits offset.

Now, the Senate has an opportunity to change this injustice as we debate the National Defense Authorization Act. If we respond as we did last year, passing this legislation with overwhelming support, then when it gets down to a conference committee, we must insist that the House support this provision in conference.

Mr. President, I wish to speak on the Senate Armed Services Committee bill being considered by the Senate, S. 1547, the National Defense Authorization Act for Fiscal Year 2008. Overall it is a good, balanced bill that works to ensure the troops are trained, equipped, and supported. The bill was reported favorably to the Senate on a unanimous vote of the committee, a good indicator of the bipartisan support for the bill and a reflection on he manner in which the committee operates under Senator LEVIN's leadership, and Senator WARNER's leadership before that.

Specifically, however, I wish to discuss the work of the Subcommittee on Strategic Forces, which I have had the privilege of chairing this year. The Strategic Subcommittee had a good year and it has been a real pleasure to work with Senator JEFF SESSIONS and his staff. We have worked together to resolve a number of difficult issues.

The committee held a total of five hearings and several briefings covering the wide range of issues under the jurisdiction of the subcommittee. This includes space and intelligence programs, strategic systems such as bombers, and submarine and ground-launched ballistic missiles, nuclear weapons programs and issues, the missile defense program, and the bulk of the defense-funded activities at the Department of Energy.

In the area of ballistic missile defense, the committee continued implementing the policy we established last year—placing a priority on the development, testing, fielding, and improvement of effective near-term missile defense capabilities, particularly to protect forward-deployed U.S. forces and allies against existing threats from short- and medium-range ballistic missiles.

In order to provide protection against existing and near-term missile threats to our forward-deployed forces, allies, and friends, the bill would authorize an additional $315 million to increase or accelerate work on near-term missile defense capabilities. This includes $255 million for the Aegis BMD, Patriot PAC–3, and THAAD systems, which I will describe shortly. It also authorizes an additional $60 million for joint US-Israeli work on the Arrow missile defense system and on short-range missile defense. These increases are offset by reductions in far-term and lower priority programs.

With respect to the overall level of funding, the committee authorized a total of $10.1 billion for the ballistic missile defense programs of the Missile Defense Agency and the Army. That is a net reduction of $231 million below the budget request for the Missile Defense Agency, just barely 2 percent.

In terms of specific budget actions, let me summarize what is in the bill. The bill would authorize the entire Army funding request for the Patriot PAC–3 program, including funding for its ''Pure Fleet'' initiative. The committee also authorized an additional $75 million to procure 25 additional PAC–3 missiles.

The Patriot PAC–3 system is our only ballistic missile defense system proven to be effective in combat, and we do not have enough PAC–3 units or missiles to provide the capabilities that our combatant commanders need today.

The committee authorized an addition of $75 million for the Aegis Ballistic Missile Defense, BMD, program to increase the production rate of Standard Missile-3, SM–3 interceptors, procure 15 additional SM–3 missiles, and accelerate work on the Aegis BMD Signal Processor and Open Architecture program.

The Aegis BMD program provides an important and improving missile defense capability to our regional combatant commanders to defend against existing short- and medium-range missile threats. But our senior military leaders responsible for missile defense have acknowledged that we need more of the SM–3 interceptors.

The committee approved an increase of $105 million for the Terminal High Altitude Area Defense, THAAD, system to increase the missile production rate, begin the upgrade of the evolved THAAD interceptor, and to conduct an additional test.

The THAAD system has shown good success in its testing program so far, and it holds significant potential to defend many regions against most ballistic missiles. But again, the Department has not planned or budgeted for enough THAAD missiles or systems to provide the capability our combatant commanders need.

The bill would add $25 million for coproduction of the Arrow missile, and added $10 million to study the suitability of the THAAD missile to serve as a follow-on to Israel's Arrow system.

The bill authorizes an increase of $25 million for accelerated joint development of a short-range ballistic missile defense, SRBMD, system for Israel. This is intended to provide a capability to defend against the type of short-range missiles and rockets that were fired at Israel last summer from Lebanon.

I mentioned that the funding for these additions was offset by reductions in funding for lower priority, high-risk, or far-term programs. I want to describe two of these reductions in the bill.

The budget request included $310 million for a proposed deployment of long-range missile defenses in Europe: 10 interceptors in Poland and a large radar in the Czech Republic. The

United States is just starting negotiations with those nations, and it appears unlikely there will be any final agreements before 2009. In addition, the proposed interceptor has not yet been developed, and is not planned to be tested until 2010. As a result the proposed construction and deployment activities are premature.

In the bill the subcommittee reduced the $85 million requested for construction activities and fenced the remaining fiscal year 2008 funds requested for deployment until two things happen: 1) The host nations have approved any missile defense deployment agreements; and, 2) The Congress receives an independent assessment examining the full range of options for missile defense in Europe. All other activities could continue, such as studies, planning, and design activities, and negotiations.

The bill would reduce funding for the Airborne Laser Program by $200 million from the $548 million requested. This is an issue we discussed during the markup, and I want to provide some background on the committee's decision to reduce ABL funding.

The Airborne Laser is a very expensive, high-risk technology demonstration program that is not scheduled to provide an operational capability before 2018. So everyone should be clear that it is NOT a near-term system.

The cost of the ABL program is very high, and the capability it might be able to provide—if the technology can even work—appears rather limited. The program has a history of cost overruns and schedule delays.

Since the program started, the total cost of the development program to complete the first ABL shoot-down test in 2009 has ballooned to be $5 billion. And the Congressional Budget Office has an initial cost estimate that the ABL program could cost as much as $36 billion to develop, build, and operate a fleet of just seven Airborne Laser aircraft.

For that huge sum of money, we could fund a very robust set of missile defense capabilities with near-term programs like PAC–3, Aegis BMD, and THAAD.

The funding reduction in the bill would not terminate the ABL program, but it would cause some delay in the program. There have already been four delays in the planned date of the first shoot-down test, and this would probably mean an additional delay.

The policy we established in law last year makes it clear that our priority is on near-term, effective missile defense systems that can provide needed capabilities against existing and near-term threats. The bill authorizes additional funding for exactly such systems, and reduces funding for systems like the Airborne Laser to offset the increases.

The committee considered this matter during our markup, and defeated an amendment to restore the $200 million to the ABL program. I anticipate that we will consider the ABL again and at some length.

The committee also authorized provisions to improve acquisition and oversight of ballistic missile defense programs. For example:

The bill would extend by 5 years the requirement for the Comptroller General to assess the ballistic missile defense program annually.

The bill would require the Department of Defense, starting in fiscal year 2009, to submit the budget request for the Missile Defense Agency using regular budget categories (research and development, procurement, operation and maintenance, and military construction), and make certain acquisition and oversight improvements.

Until now, DOD has requested and Congress has approved MDA's use of exclusively RDT&E funds for all MDA activities, including fielding, operating, and building of missile defense systems. This is the only program for which this exception has been made, and it is no longer necessary.

The bill would also ensure that the Director of Operational Test and Evaluation has full access to missile defense test and evaluation data, just as is the case for all other major defense acquisition programs.

In the area of strategic forces, the bill includes additional funds to continue the B–52 Bomber modernization program and consolidates funds for prompt global strike into a single defense-wide account. Moving the money from the Navy and Air Force lines to the combined line for prompt global strike should allow a more focused approach to the technology challenges, such as thermal protection, and allow more options to be explored, such as the Army's approach to prompt global strike, which is currently not funded. In addition, consolidation should allow the Strategic Command to have a more balanced program that more closely meets the command's requirements. The bill also includes a 3-year extension of the annual prompt global strike report.

The space programs continue to be one of the more difficult areas for the subcommittee. Although there has been improvement in the management of most of the many space programs, the scope of the programs continues to challenge both the services and the contractors. All of the communication; missile warning; position, navigation, and timing—GPS; and weather satellite systems have simultaneous modernization programs under way. In some instances the move to the next generation of programs is occurring before the current modernization program is in place, and in some cases the current modernization program is being terminated early to start the next one. All of this activity serves to exacerbate financial, technical, and schedule pressures on all of the programs.

The Transformational Communications Program, T–Sat, the Global Positioning Satellite III and the Space-Based Infrared Satellite program—SBIRS—are all systems that fall into the category of multiple upgrade programs.

The bill includes additional funds for several satellite programs that are being terminated early and where there is very high risk that the follow-on program might not be ready on time. To alleviate the risk of these programs' gaps, funds are included to buy a fourth Advanced Extremely High Frequency communications satellite to ensure that there is no communications gap if there is an issue in the T–SAT program, and for the third SBIRS missile warning satellite program, to ensure that there is no gap in missile warning capability.

The T–SAT program itself is fully funded. While there is hope that the first T–SAT will launch on time in fiscal year 2016, I would note that there hasn't been one satellite to make its scheduled launch date 8 years in advance.

The bill also terminates the space radar program and provides funds for alternative approaches for space radar capabilities.

For the past several years the subcommittee has addressed a variety of contentious nuclear weapons issues. Again this year, the subcommittee is faced with a difficult decision. The Departments of Defense and Energy, through the Nuclear Weapons Council, have approved the start of a Reliable Replacement Warhead, RRW, program. This new warhead could eventually be a replacement for the current W–76 warhead in the reentry vehicle for the Trident D–5 missile on ballistic missile submarines.

The Department of Energy, National Nuclear Security Administration, NNSA, budget request for fiscal year 2008 includes a request for funds for the RRW for phase 2A and phase 3 activities. At the time the budget was submitted, the NNSA thought that it would be further along with phase 2 activities than it is, and considered the possibility of moving to phase 3 in fiscal year 2008. The bill includes funding for the RRW, consolidated in a single line, but $43 million less than the $238 million requested. The bill clearly limits the work by the NNSA and the Navy to activities for RRW to phase 2A activities.

Let me explain what I mean by limiting activities to phase 2A activities and why we took this action. The nuclear weapons acquisition process is organized in a phased approach from phase 1 to 7, with 6 being deployment and 7 being dismantlement. Any decision to manufacture or deploy an RRW, which would occur at phases 5 and 6 respectively, will no doubt be very controversial. Over the course of the next 4 to 5 years significant policy and technical discussion and debate will surely take place on the RRW.

To begin the discussion, however, the bill recommends a cautious first step, recognizing that many questions need answers before any final decisions are

made. The bill does not decide the fate of the RRW. That is a decision for a future Congress and a future administration.

The bill also includes a requirement for new nuclear posture review and a sense of the Congress to help frame the nuclear policy debate for the next administration. To ensure that weapons dismantlements continue, the bill includes an increase of $20 million to the budget request of $52 million to support nuclear weapons dismantlement.

I would like to note that last night I returned from an extensive 4-day visit to all three of the Department of Energy nuclear weapons laboratories. While I discussed many issues with the laboratory directors and their staff, including nonproliferation issues, we spent a considerable amount of time on the RRW. Most of the discussions were highly classified, and so I cannot go into substantial detail here. But I want to ensure my colleagues that the progress made by the laboratories under the Stockpile Stewardship Program is remarkable and that there are many new opportunities to improve the safety, security, and reliability of nuclear weapons, which in turn should lead to very substantial reductions in the overall size of the stockpile—without a return to nuclear weapons testing.

Wrapping up the balance of the Department of Energy issues, the bill includes two provisions that would task the GAO to review two significant areas of concern at DOE. The first study is on the structure and management of the protective forces at DOE sites, and the second one on the future plans for the environmental restoration programs.

In closing, the Strategic Subcommittee has a broad area of responsibility, much of it controversial, but working with Senator SESSIONS, we have been able to resolve the issues so the national security interests of our country are foremost.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF LIAM O'GRADY TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The assistant legislative clerk read the nomination of Liam O'Grady, of Virginia, to be U.S. District Judge for the Eastern District of Virginia.

The PRESIDING OFFICER. Unless the Senator from Virginia wants to modify the pending unanimous consent request to make certain that this nomination is called at 5:30, there is now 1 hour of debate equally divided on the nomination under the previous unanimous consent request, which would mean the vote would likely be in the range of 5:40.

Who yields time?

Mr. WARNER. Mr. President, I yield to the distinguished chairman of the committee.

Mr. LEAHY. Mr. President, I am sorry, I was off the floor for a moment. I hesitate to interfere with my Senator away from home. What is the order?

The PRESIDING OFFICER. Under the pending unanimous consent request, the debate was to begin at 4:30, with a vote at 5:30 on the judicial nomination. Senator NELSON asked unanimous consent and received it to proceed to speak and spoke until just a moment ago. So if we project 1 hour from now the debate for the judicial nominee, the vote is likely to occur near 5:40.

Mr. LEAHY. And the distinguished senior Senator from Virginia wishes to take time for the Republican side?

Mr. WARNER. Well, actually, I had hoped to do it on the time of the Defense bill, but I yielded to the request of my colleague.

Mr. LEAHY. We will work out the time.

Mr. WARNER. Mr. President, I need 3 minutes.

Mr. LEAHY. I yield to the Senator from Virginia such time as he needs.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the distinguished chairman of the Judiciary Committee. He is always very courteous to the Senator from Virginia and I am appreciative of that.

I rise with a sense of great pleasure to support an outstanding Virginian, Judge Liam O'Grady, who has been nominated by the President to serve as an article III judge on the United States District Court for the Eastern District of Virginia. I am pleased to note that Judge O'Grady also enjoys the support of my distinguished colleague, Senator WEBB. Senator WEBB, upon joining the Senate, has worked with me, as we do on many things, in a very cooperative spirit to provide nominations to the President with respect to the judicial vacancies as they exist in our United States District Court in Virginia and to the Fourth Circuit, of which Virginia is one of the States served on that distinguished judicial panel, which largely resides in Virginia. I thank my distinguished colleague, Senator WEBB, because he has become a very fast learner about the judicial process and we have worked together, and we now have nominations pending before the President with regard to the vacancies on the Fourth Circuit.

Turning to Judge O'Grady, he has been nominated to fill the seat that was vacated by Judge Claude Hilton. For more than 20 years, Judge Hilton served with distinction as an active judge in the Eastern District of Virginia. We are fortunate he is continuing to serve on the court in senior status. In my view, we are equally fortunate to have a nominee such as Liam O'Grady who is willing to continue his public service on the bench.

Since joining the Virginia bar in 1978—quite a few years ago—Judge O'Grady has worked as a sole practitioner, as assistant Commonwealth's attorney, as an assistant United States attorney, as a partner in an international law firm, and for the last 4 years, he has worked with the Eastern District of Virginia as a magistrate judge. Magistrate judges perform a very valuable function for our district courts.

His career has provided him with a wide array of experiences. As a solo practitioner, he worked as a court-appointed criminal defense lawyer. As an assistant Commonwealth's attorney, he tried upwards of 100 jury trials. As an assistant United States attorney, he focused on narcotics and organized crime cases. As a partner at a well-known law firm, he worked extensively on patent and trademark cases for a number of major industrial organizations in our country. As a magistrate judge, he has seen firsthand the extraordinary variety and volume of cases that come before a district judge serving not only in Virginia but elsewhere in America.

Equally impressive is that despite the rigors of his career, he always found time to give back to his community. He has helped shape young legal minds through the instruction of law at both George Washington University and George Mason University. Moreover, while in private practice, he set up a pro bono legal clinic in his law firm and took court-appointed cases serving those in need.

It is clear to me that this outstanding nominee, now to be voted on shortly by the Senate, is eminently qualified to serve on this prestigious court. In addition to having the support of his home State Senators, Judge O'Grady received the highest—I repeat, the highest—recommendation of the American Bar Association and was equally recommended by a number of the bar associations of the Commonwealth of Virginia.

I thank the distinguished chairman, Senator LEAHY, and Senator SPECTER for providing the Virginia Senators an opportunity to present Liam O'Grady to the committee and for the committee to act in a very expeditious way and now to bring this nomination to the floor.

Mr. WARNER. I yield the floor and thank the distinguished chairman.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the Presiding Officer. I want the distinguished senior Senator from Virginia to know that, of course, I will be supporting his nominee, Judge O'Grady. This is an example of how quickly we can move judges when Senators work together. In this case, one of the most distinguished Republican Senators,

combined with a distinguished Democratic Member, helped move Judge O'Grady to the top of the list. I predict within the next hour or so he will be confirmed.

Mr. WARNER. Mr. President, I thank my colleague for the kind remarks.

Mr. LEAHY. Mr. President, the Senate continues to make progress today with what I anticipate will be the confirmation of four more lifetime appointments to the Federal bench. Along with Judge O'Grady's nomination to the District Court for the Eastern District of Virginia, we consider three nominations for lifetime appointments to the District Court for the Western District of Michigan, those of Janet T. Neff, Paul Lewis Maloney, and Robert James Jonker. All four nominations are for judicial emergency vacancies, and they all have the support of their home State Senators.

I thank Senators LEVIN, STABENOW, WARNER and WEBB for their work in connection with these nominations.

It is unfortunate that the three nominees for the Western District of Michigan are not already on the bench helping to ease the backlog of cases in that district. All three were reported out of committee last fall, but were left pending on the Senate's Executive Calendar when some on the other side of the aisle blocked their nominations. All three are for vacancies that are judicial emergency vacancies—three emergencies in one Federal district.

The Senators from Michigan had worked with the White House on the President's nomination of three nominees to fill those emergency vacancies.

Working with then-Chairman SPECTER, the Democratic members of the committee cooperated to expedite their consideration and reported them to the Senate last year.

But last year Republicans were objecting to Senate votes on some of President Bush's judicial nominees. According to press accounts, Senator BROWNBACK had placed a hold on Judge Neff's nomination, apparently related to her attendance at a commitment ceremony held by some family friends several years ago in Massachusetts.

The Michigan nominations were not returned to the Senate by the President at the beginning of this year. Instead, their renominations were inexplicably delayed for months.

When they were renominated, Senator BROWNBACK sought another hearing on the nomination of Judge Neff. As chairman, I honored his request. At that second hearing in May, Senator BROWNBACK again questioned Judge Neff extensively about her attending the commitment ceremony of a family friend. I then placed the nomination on our agenda and the Judiciary Committee reported it favorably for a second time.

It is time to act on the group of Michigan nominations at long last. There is a dire situation in the Western District of Michigan. Judge Robert Holmes Bell, Chief Judge of the Western District, wrote to us about the situation in that district, where several judges on senior status—one over 90 years old—continue to carry heavy caseloads to ensure that justice is administered in that district. Judge Bell is the only active judge.

The four nominations before us will bring this year's judicial confirmations total to 25. It is our first day back after the Fourth of July recess, and we have already confirmed one and a half times as many judges as were confirmed during the entire 1996 session when President Clinton's nominees were being reviewed by a Republican Senate majority. That was the session in which not a single circuit court nominee was confirmed.

We have already confirmed three circuit court judges in the early months of this session. As I have previously noted, that also puts us well ahead of the pace established by the Republican majority in 1999 when to this date not a single circuit court nomination had yet been confirmed. This also exceeds the total of 22 judges confirmed in all of 2005.

With these confirmations, the Senate will have confirmed 125 judges while I have served as Judiciary chairman. During the more than 6 years of the Bush Presidency, more circuit court judges, more district court judges, and more total judges have been confirmed while I served as Judiciary chairman than during the tenures of either of the two Republican chairmen working with Republican Senate majorities.

I have listed another four judicial nominations on the agenda for our business meeting later this week and will be noticing another hearing on judicial nominations on July 19. I do not intend to follow the Republican example and pocket filibuster more than 60 of this President's nominees as they did President Clinton's nominees.

The Administrative Office of the U.S. Courts lists 47 judicial vacancies after these nominations are confirmed, yet the President has sent us only 22 nominations for these vacancies. Twenty-five of these vacancies—over-half have no nominee. Of the 13 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 8 of them. That means over half of the judicial emergency vacancies are without a nominee.

Of the 15 circuit court vacancies, two-thirds are without a nominee. If the President had worked with the Senators from Rhode Island, New Jersey, Maryland, California, Michigan, and the other States with the remaining circuit vacancies, we could be in position to make even more progress.

As it is, we have cut the circuit vacancies nearly in half, from 26 to 15. Contrast that with the way the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees resulted in circuit court vacancies increasing from 17 to 26 and beyond. During most of the Clinton years, the Republican-led Senate engaged in strenuous efforts to keep circuit judgeships vacant in anticipation of a Republican President. To a great extent they succeeded.

The Judiciary Committee has been working hard to make progress on those nominations the President has sent to us. Of course, when he sends us well-qualified, consensus nominees with the support of his home-State Senators like those before us today, we can have success.

Judge O'Grady is a Magistrate Judge in the U.S. District Court for the Eastern District of Virginia, where he has sat since 2003. Previously, he was a partner in the intellectual property law firm of Finnegan, Henderson, Farabow, Garrett, & Dunner, LLP, an assistant U.S. attorney in the Eastern District of Virginia, an assistant commonwealth attorney for the Commonwealth of Virginia, and a sole practitioner.

Judge Neff has been a judge on the Michigan Court of Appeals, Michigan's intermediate appeals court, since January 1989. Previously, she worked in private practice for several law firms and served as an assistant U.S. attorney for the Western District of Michigan, a commissioner for the Michigan Supreme Court, and an assistant city attorney for the city of Grand Rapids.

Judge Maloney has been a circuit judge on the Berrien County Trial Court in Saint Joseph, MI, since 1996 and previously served as a district judge in the same county. Before taking the bench, he served as special assistant to the director at the Michigan Department of Corrections, a deputy assistant attorney general in the criminal division of the U.S. Department of Justice, and a prosecuting attorney at the Berrien County Prosecutor's Office in Michigan.

Robert James Jonker is a partner at the Grand Rapids, MI, law firm of Warner Norcross & Judd LLP where he has worked since serving as a law clerk to Judge John F. Feikens in the U.S. District Court for the Eastern District of Michigan from 1995–1997. I congratulate Judge O'Grady, Judge Neff, Judge Maloney, Mr. Jonker, and their families, on their confirmations today.

EXECUTIVE PRIVILEGE

Mr. LEAHY. Mr. President, I have a very serious matter that I will discuss at this time in my capacity as chairman of the Judiciary Committee. The Presiding Officer is one of the most distinguished members of the Judiciary Committee.

Today, House Judiciary Committee Chairman CONYERS and I received another letter from White House Counsel Fred Fielding responding to duly authorized subpoenas with a blanket assertion of executive privilege.

I had hoped that the Judiciary Committee subpoenas would be met with compliance, not with confrontation. But instead they have been met, yet again, with Nixonian stonewalling that shows this White House's disdain for

our system of checks and balances. This is more stonewalling for a White House that believes it can unilaterally control the other coequal branches of Government. It raises this question: What is the White House trying to hide by refusing to turn over this evidence?

From the outset of this scandal, the President spoke about the firing of U.S. attorneys as if it were a matter handled and decided by the Attorney General, and something Mr. Gonzales would have to explain to Congress and the American people. The President was hands off and arms' length. He had to ask others whether anything was improperly done and relied on a review by White House lawyers for his assertion that nothing improper was done.

This President and the Attorney General have both from time to time expressed confidence that the Congress would get to the bottom of this as if they themselves had no idea what had transpired.

Are we now to understand from the White House claims of executive privilege that, contrary to what the President said, these were decisions made by the President? Is he taking responsibility for this scandal, for the firing of such well-regarded and well-performing U.S. attorneys?

When we had the Attorney General testify under oath, he didn't know who added U.S. attorneys to the list of those to be fired, or the reasons they were added. Somehow they mysteriously arrived on the Attorney General's list. You know, it occurred to me when I flew down from Vermont today and I was looking in the paper, the latest Harry Potter movie is coming out. These mysterious lists sound like something would you see in that movie, not in the White House or the Attorney General's Office.

Indeed, the bottom line of the sworn testimony from the Attorney General, the Deputy Attorney General, the Attorney General's former Chief of Staff, the White House liaison, and other senior Justice Department officials was that while the President was not involved in the decisionmaking that led to the unprecedented firings of several well-performing prosecutors, these people were not responsible either. So I ask, who made these decisions? Was it the political operatives at the White House who set out to severely damage the careers of well-performing U.S. attorneys?

Even this White House cannot dispute the evidence we have gathered to date showing that White House officials were heavily involved in these firings—not only heavily involved in these firings and in the Justice Department's responses to inquiries that I made, the distinguished Presiding Officer made, and others, Republicans and Democrats alike made, about them.

The White House continues to try to have it both ways, but at the end of the day it cannot. The White House cannot block Congress from obtaining the relevant evidence and credibly assert that nothing improper occurred. They are just saying: Trust us, we did nothing wrong.

Trust us? With the revelations that come out almost every single day of things that tell the American people they should not trust them. What is the White House hiding? Was the President involved, were his earlier statements to the American people therefore misleading and inaccurate? Is this an effort by the White House legal team to protect the White House political operatives whose partisan machinations have been discovered in a new set of White House horrors?

Several weeks ago, after Mr. Fielding first conveyed the President's blank executive claim—and I have yet to hear directly from the President—Chairman CONYERS and I sent a letter to the White House asking for a specific factual basis regarding each document withheld and the normal privilege log that would be shown at the time. I asked the White House to provide this information so that it could substantiate its claim.

For months—and I have not done so precipitously but carefully—I have been giving the White House every opportunity to provide voluntarily the information we have sought. For months the only answer we have received is the same unacceptable ''take it or leave it'' offer. I have tried to give the White House every opportunity to explain its claims. A serious assertion of privilege—one they honestly believed in—would include an effort to demonstrate to the committee which documents and which parts of those documents are covered by any privilege that is asserted and why. But it is apparent this White House is contemptuous of the Congress and believes it doesn't have to explain itself to anyone—not to the people's Representatives in Congress, but worse yet not to the American people.

The White House's refusal to provide a listing of those documents on which it asserts privilege, and a specific factual and legal basis for the assertion of executive privilege claims, raises even more questions. What is the White House so intent on hiding? What is it they are so afraid of becoming public that they cannot even identify the documents or the dates, authors, and recipients? Would we see the early and consistent involvement of the White House political operatives in what should be independent and neutral law enforcement decisions? Would we see early and consistent involvement of White House political operatives who are trying to manipulate law enforcement?

Nor is the White House content with blanket assertions of privilege regarding matters in its control. It has now reached outside the White House to direct the Republican National Committee not to provide information it has to Congress and has today instructed a former White House official, Sara Taylor, not to cooperate with the investigation by testifying to the best of her knowledge.

Mr. President, let me explain our attempts to procure the e-mails that White House officials sent using Republican National Committee accounts. At first, they gave the impression that we would be happy to give you those 60,000 of her e-mails, or 130,000 of Karl Rove's but, of course, they were all erased, so we cannot give them to you. When I and others suggested that you cannot erase e-mails like that and that they are in a backup system somewhere else, they sent somebody who works in the White House Press Secretary's Office out to tell the American people that this is a ridiculous claim and that we now have Senators pretending to be computer experts. Actually, no, that is an answer any 12-year-old could have given. What happened? Suddenly, they found, yes, they do have the e-mails. And as we had said, and as any 12-year-old would have said, they weren't erased.

Ms. Taylor is scheduled to testify on Wednesday to comply with a subpoena authorized by the committee. It is unfortunate that the White House is trying to interfere with Ms. Taylor's testimony before the Senate, and they are trying to interfere with Congress's responsibility to get to the truth behind the unprecedented firings of several U.S. attorneys.

Let's review the facts. Sometimes it is good to get outside the hyperbole of politics and just talk about the facts. There is clear evidence that Sara Taylor is one of several White House officials who played a key role in these firings and the administration's response to cover up the reasons behind them when questions first arose. The question I have is this: Why were they so eager to cover up what they did?

There is also clear evidence that Ms. Taylor was part of 66,000 RNC e-mails being kept from the public as part of a White House effort to avoid oversight by ignoring the laws meant to ensure a public record of official Government business. Basically, they are saying the law applies to everybody else, but they are above the law.

I am willing to discuss the matter in good faith with the White House. I have been trying to engage the White House for months in discussions to come to some sort of accommodation. I hope we can do that. I am reluctant to agree to anything, though, that prevents Congress from doing our oversight job effectively. I have been here with six administrations, with Republicans and Democrats alike, and we found ways to work with Congress. Ultimately, even the Nixon administration—the administration that was here before I arrived—found ways.

This administration, unlike all those others, wants to obstruct and obfuscate. We should not lose sight of the fact that this is a serious matter. This is about improper political influence on our justice system. It is about the White House manipulating the Justice

Department into its own political arm. It is about manipulating our justice system to pursue a partisan political agenda. It is about pressuring prosecutors to bring cases of voter fraud to try to influence elections—of sending a partisan operative like Bradley Schlozman to Missouri to file charges on the eve of an election, in direct violation of their own Justice Department guidelines.

It is about high-ranking officials misleading Congress and misleading the American people about their political manipulation of justice. It is about the unprecedented and improper reach of politics into the Department's professional ranks, such as the admission by the Department's White House Liaison, Monica Goodling, that she improperly screened career employees for political loyalty and wielded undue political influence over key law enforcement decisions and policies.

It is about political operatives pressuring prosecutors to bring partisan cases and seeking retribution against those who refused to bend to their political will, such as the example of New Mexico's U.S. attorney, David Iglesias, who was fired a few weeks after Karl Rove complained to the Attorney General about the lack of purported ''voter fraud'' enforcement cases in Mr. Iglesias's jurisdiction.

Along the way, this subversion of the justice system has included lying, misleading, stonewalling, and ignoring the Congress in our attempts to find out what happened. We know White House officials are involved, but it is difficult to get the facts when the White House, even as of today, refuses to provide even a single witness or a single document.

This administration has instituted an abusive policy of secrecy aimed at protecting themselves from embarrassment and accountability. Apparently, the President and Vice President think they are above the law. In America, nobody is above the law, not even George Bush or DICK CHENEY.

The President has sought to make the Vice President's former Chief of Staff above the law when he granted him a form of amnesty last week. The President chose to override a prosecution, jury trial, conviction, and prison sentence and to excuse his lying to Federal investigators and a grand jury and his perjury, and to reward his silence by giving Mr. Libby what commentators have called a ''get out of jail free'' card.

The lack of accountability for anyone in the Bush administration has reached new heights—or lows. It is not often that the New York Times and the Washington Times editorial boards agree, but they did about this President's abrupt commutation of Mr. Libby's 30-month prison term for perjury and obstruction of justice. The Washington Times opined that President Bush's action is ''neither wise nor just,'' and it continued in its Independence Day editorial by saying:

> Perjury is a serious crime. . . . The integrity of the judicial process depends on fact-finding and truth-telling. A jury found Libby guilty of not only perjury but also obstruction of justice and lying to a grand jury.

I would add that the widely respected trial judge, who was nominated by President Bush and confirmed by the Senate at the time I chaired the committee in 2001, imposed a reasonable sentence which was actually at the lower end of what the prosecutor recommended, and the DC Circuit refused to stay the sentence pending appeal in accordance with the law.

The New York Times in a July 3 editorial entitled ''Soft on Crime'' called the President's action a ''baldly political act,'' noting that ''[a]s president, he has repeatedly put himself and those on his team, especially Mr. CHENEY, above the law.'' They noted that the President ''sounded like a man worried about what a former loyalist might say when actually staring into a prison cell.''

That Presidential act sent the message that silence, bad memory, and abject loyalty would be rewarded, just as the mass firings of U.S. attorneys sent the message that all remaining Federal prosecutors and law enforcement had better knuckle under to the political agenda of the administration.

Untoward White House interference with Federal law enforcement is a serious matter. It corrupts Federal law enforcement, threatens our elections, and has seriously undercut the American people's confidence in the independence and evenhandedness of law enforcement.

Despite the attitude of the current administration, our Constitution does not include the phrase ''executive privilege'' or ''unitary executive.'' What the U.S. Constitution does provide in the oath of office is that the President has to swear to ''faithfully execute the Office of President of the United States'' and ''preserve, protect and defend the Constitution of the United States.'' His essential duties require him to ''take care that the Laws be faithfully executed.'' I have grave concern with regard to how this administration is fulfilling these sworn and essential duties. The political intrusion into the law enforcement functions of the Government through the scheme to fire and replace our U.S. attorneys is a key part of that concern.

Congress will continue to pursue the truth behind this matter not only because it is our constitutional responsibility but because it is the right thing to do.

I hope the White House stops the stonewalling. I hope they accept my offer to negotiate a workable solution to the committee's oversight needs so we can effectively get to the bottom of what was done wrong and what has gone wrong.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, the existing order is to have consideration of four nominees for the U.S. district court. I urge my colleagues to confirm all of them.

The first is Liam O'Grady for the Eastern District of Virginia. I am pleased to see that there are substantial Pennsylvania connections with these nominees. Liam O'Grady received a bachelor's degree from Franklin & Marshall College in Lancaster. I am interested to see his diversification of employment. He was a pension examiner for the United Mine Workers of America, Welfare and Retirement Fund, as well as other outstanding credentials, and was rated unanimously ''well qualified'' by the American Bar Association.

I ask unanimous consent to have the full records of these nominees printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Madam President, I think it is unnecessary to speak at length about any of these nominees because they all passed unanimously from the Judiciary Committee, and it would be my expectation, based on prior practices, that they would all be confirmed. I would be surprised if there were any negative votes at all. It may be even possible to abbreviate the proceedings today with some voice votes. That is the decision for the distinguished chairman. We will come to that later.

Mr. LEAHY. I am sorry, what was the question?

Mr. SPECTER. I was commenting that all were passed out unanimously by the Judiciary Committee. I said it was my expectation from prior practice that they would probably be confirmed unanimously. I would be surprised if we have a dissenting vote among the four. And I said I am not going to speak long. I am putting their records into the RECORD. I said it might even be possible to abbreviate the rollcalls. That is the chairman's call.

Mr. LEAHY. Madam President, I will be very happy to do that. I think there are a lot of people who have stacks of paper since we have been gone who would probably be happy to have one or two rollcalls.

Mr. SPECTER. I am sorry, I didn't understand.

Mr. LEAHY. Some may be happy to have one or two rollcall votes and get out of here.

Mr. SPECTER. In accordance with the practice Chairman LEAHY and I adopted in the good old days.

The second nominee, Janet Neff, in the court of the Western District of

Michigan, was born in Wilkinsburg, PA, is a University of Pittsburgh graduate, and is rated ''majority qualified'' and others rated ''well qualified.'' She has an outstanding academic and professional record.

The third nominee is Paul Lewis Maloney, again for the Western District of Michigan, again a Pennsylvania connection. He received a bachelor's degree from Lehigh University. His ABA rating was unanimously ''well qualified.''

The fourth nominee is Robert James Jonker, again from the Western District of Michigan. I am not distressed, but I note no Pennsylvania connection here. But I know the distinguished presiding Senator from Michigan will be relieved to have these three nominees confirmed because there has been a judicial emergency, and on occasion the Congressman from the area has been on the Senate floor urging us to confirm these nominees. I think we will get there today.

EXHIBIT 1

LIAM O'GRADY

UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

Birth

September 24, 1950; Newark, New Jersey.

Legal Residence

Virginia.

Education

B.A., Franklin & Marshall College, 1973.

J.D., George Mason University School of Law, 1977.

Employment

Pension Examiner, United Mine Workers of America, Welfare & Retirement Fund, 1973–1975.

Attorney Advisor and Law Clerk, Administrative Law Judge George Koutras, Departments of Interior and Labor, 1976–1979.

Sole Practitioner, Private Practice, 1979–1982.

Assistant Commonwealth's Attorney, Office of the Virginia Commonwealth's Attorney, 1982–1986.

Assistant U.S. Attorney, Department of Justice, 1986–1992—Chief of the Narcotics Section (four years); Acting Chief of the Criminal Division (one year).

Adjunct Professor, George Washington University, Columbia Graduate School for Forensic Sciences, 1986–1994.

Partner, Finnegan, Henderson, Farabow, Garrett, & Dunner, LLP, 1992–2003.

U.S. Magistrate Judge, U.S. District Court, Eastern District of Virginia, 2003–Present.

Selected Activities

Member, Virginia State Bar.

Member, American Bar Association.

Member, George Mason Inns of Court.

Member, American Intellectual Property Law Association.

Member, Arlington County Bar Association.

Coach, McLean Youth Soccer.

ABA Rating

Unanimous ''well qualified.''

LIAM O'GRADY—U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA

Magistrate Judge Liam O'Grady was initially nominated to be a U.S. District Judge for the Eastern District of Virginia on August 2, 2006. No further action was taken on his nomination in the 109th Congress. Judge O'Grady was re-nominated on January 9, 2007. He received a committee hearing on May 10, 2007, and was favorably reported on May 24, 2007.

He comes before the committee with an impressive resume.

He received a B.A. from Franklin & Marshall College in 1973 and a J.D. from George Mason University School of Law in 1977.

After graduating from law school, Judge O'Grady briefly worked as an attorney advisor to Administrative Law Judge George Koutras in the Departments of Interior and Labor.

In 1979, Judge O'Grady entered private practice as a sole practitioner. His focus was on domestic relations cases, real estate closings, bankruptcy proceedings, criminal cases, and general civil disputes.

After three years of private practice, Judge O'Grady became an Assistant Commonwealth's Attorney for the Commonwealth of Virginia. He was the liaison to robbery homicide squad at the police department, and handled many of the homicide cases.

From 1986 to 1992, Judge O'Grady served as an Assistant United States Attorney for the Eastern District of Virginia. In that capacity, he focused on drug conspiracies, drug related homicides, and organized crime. For a one-year stint, as Acting Chief of the Criminal Division, he supervised the criminal cases for the whole district.

Meanwhile, from 1986 to 1994, Judge O'Grady was an adjunct professor at George Washington University's forensic sciences graduate school, teaching courses in criminal law, evidence, and trial advocacy.

In 1992, Judge O'Grady returned to private practice as a partner for Finnegan, Henderson, Farabow, Garrett & Dunner LLP. As chief litigator, he handled patent, trademark, copyright, and trade secret cases for Fortune 500 clients in courts around the country and the world.

In 2003, Judge O'Grady became a Magistrate Judge for the United States District Court for the Eastern District of Virginia.

The ABA has unanimously rated Judge O'Grady ''well qualified.''

JANET T. NEFF

UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

Birth

April 8, 1945, Wilkinsburg, Pennsylvania.

Legal residence

Michigan.

Education

B.A., cum laude, University of Pittsburgh, 1967.

Omicron Delta Epsilon, National Economics Honor Society.

J.D., Wayne State University Law School, 1970.

Employment

Tax Examiner, Internal Revenue Service, 1970.

Research Attorney, Michigan Court of Appeals, 1970–1971.

Assistant City Attorney, City of Grand Rapids, 1971–1973.

Associate/Partner, VanderVeen, Freihofer & Cook, 1973–1978.

Commissioner, Michigan Supreme Court, 1978–1980.

Assistant United States Attorney, Western District of Michigan, 1980.

Associate, William G. Reamon, P.C., 1980–1988.

Judge, Michigan Court of Appeals, 1989–Present.

Selected Activities

Member, U.S. District Court Professional Review Committee.

Member, Michigan Bar Association.

Member, Grand Rapids Bar Association.

Member, Michigan Trial Lawyers Association.

Member, Women Lawyers Association of Michigan.

Member, Association of Trial Lawyers of America.

Member, American Bar Association.

ABA Rating

Majority ''qualified''/minority ''well qualified.''

JANET T. NEFF—U.S DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

Janet T. Neff was nominated to be a U.S. District Judge for the Western District of Michigan on June 28, 2006. A hearing was held on her nomination on September 19, 2006, and it was reported out of Committee on September 29 by voice vote. The Senate was unable to act on her nomination before the end of the 109th Congress.

President Bush re-nominated Judge Neff on March 19, 2007. A second hearing was held on her nomination on May 10, 2007, and she was favorably reported on May 24, 2007.

She comes before this Committee with a distinguished record of public service.

Judge Neff received a B.A., cum laude, from the University of Pittsburgh in 1967 and a J.D. from Wayne State University Law School in 1970.

Following law school, Judge Neff worked briefly as an estate and gift tax examiner for the Internal Revenue Service (IRS). This position involved review and audit of Federal estate and gift tax returns.

In 1970, Judge Neff accepted a position as a research attorney for the Michigan Court of Appeals, where she reviewed briefs and lower court records.

Beginning in 1971, Judge Neff served as an Assistant City Attorney for the City of Grand Rapids. As Assistant City Attorney, she prosecuted offenses ranging from drunk driving to assaults.

Judge Neff entered private practice in 1973, when she worked as an associate and then a partner at Vander Veen, Freifoher & Cook. She had a broad and varied practice that included insurance, products liability, criminal defense, domestic relations, commercial litigation, bankruptcies, and the representation of numerous municipal governments.

In 1978, Judge Neff became a Commissioner of the Michigan Supreme Court. In that capacity she worked as a staff attorney to the court, conducting research and reviewing applications for leave to appeal, motions, and other matters.

She served as an Assistant U.S. Attorney for the Western District of Michigan in 1980.

From 1980 until 1988, Judge Neff was as an associate with William G. Reamon, P.C., where she handled personal injury cases.

In 1988, Judge Neff was elected as a Judge of the Michigan Court of Appeals where she continues to serve today.

A substantial majority of the American Bar Association Standing Committee rated Judge Neff ''qualified,'' and a minority rated her ''well qualified'' for service on the Federal bench.

The seat to which Judge Neff is nominated has been designated a ''judicial emergency'' by the nonpartisan Administrative Office of the Courts.

The Chief Judge of the U.S. District Court for the Western District of Michigan, Judge Robert Bell, has written the Committee to impress upon us the need to provide his court with another judge. According to the Chief Judge, ''with the present three vacancies [he] is the sole active judge.'' The Western District of Michigan has the weightiest docket per authorized judgeship in the Sixth Circuit.

PAUL LEWIS MALONEY

UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

Birth

December 15, 1949; Cleveland, Ohio.

Legal Residence

Michigan.

Education

B.A., Lehigh University, 1972.

J.D., University of Detroit School of Law, 1975.

Employment

Assistant Prosecutor, Berrien County Prosecutor's Office, 1975–1981; Prosecuting Attorney, 1981–1989.

Deputy Assistant Attorney General, Criminal Division, United States Department of Justice, 1989–1993.

Special Assistant to the Director, State of Michigan, Department of Corrections, 1993–1995.

District Judge, Berrien County, Michigan, 1995–1996.

Circuit Judge, Berrien County, Michigan, 1996–Present.

Selected Activities

Member, Michigan Prosecuting Attorneys Association.

Member, Michigan District Judges Association.

Member, Michigan Judges Association (Board of Directors Member for one year).

Member, Michigan Bar Association.

Member, American Bar Association.

Member, Berrien County Bar Association.

Member, Knights of Columbus.

President, Catholic Community Education Commission.

ABA Rating

Unanimous ''well qualified''.

PAUL LEWIS MALONEY—U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

Paul Lewis Maloney was initially nominated to be a U.S. District Court Judge for the Western District of Michigan on June 28, 2006. A hearing was held on his nomination on September 19, 2006, and he was reported out favorably on September 29, 2006, by a voice vote. No further action was taken on the nomination before the 109th Congress adjourned.

Judge Maloney was re-nominated by the President on March 19, 2007, and reported favorably by the Committee on May 24, 2007.

Judge Maloney has an impressive resume reflecting a devotion to public service.

He received a B.A. from Lehigh University in 1972 and a J.D. from the University of Detroit School of Law in 1975.

Following law school, Judge Maloney began working as an assistant prosecutor for the Berrien County Prosecutor's Office. In 1981, he was appointed the county's Prosecuting Attorney and was re-elected in 1982, 1984, and 1988.

In 1989, Judge Maloney left the Berrien County Prosecutor's Office to serve as a Deputy Assistant Attorney General for the Criminal Division of the United States Department of Justice.

Following his work at the Department of Justice, Judge Maloney returned to Michigan to serve as Special Assistant to the Director of Michigan's Department of Corrections.

In 1995, Judge Maloney was appointed District Judge for Berrien County. He held this position for a year, before he was appointed to be Circuit Judge of Berrien County, where he continues to serve.

The American Bar Association rated Judge Maloney unanimously well-qualified, its highest rating.

This vacancy has been designated a ''judicial emergency,'' and, indeed, the Western District of Michigan is in dire need of judges. Currently, there is only one active judge—Chief Judge Bell—out of the four judgeships authorized for the district. Chief Judge Bell wrote letters on December 28, 2006, and April 18, 2007, explaining that he and the senior judges are ''exhausted.''

ROBERT JAMES JONKER

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

Birth

March 9, 1960, Holland, Michigan.

Legal Residence

Michigan.

Education

B.A., with honors, Calvin College, 1982.

J.D., summa cum laude, University of Michigan Law School, 1985; Order of the Coif; Robert S. Feldman Labor Law Award.

Employment

Law Clerk, Honorable John F. Feikens, U.S. District Court for the Eastern District of Michigan, 1985–1987.

Associate, Warner Norcross & Judd LLP, 1987–1993; Partner, 1994–Present.

Selected Activities

Fellow, Michigan State Bar Foundation.

Member, Federal Bar Association, Western District Chapter; President-Elect, October 2006; Vice President—Operations, 2 years; Treasurer, 2 years; Executive Board Member, 1999–2006.

Chairperson, Judicial Code Committee of the Christian Reformed Church.

Listed in Best Lawyers in America for Business Litigation.

Member, Grand Rapids Bar Association.

Member, Michigan Bar Association.

Member, American Bar Association.

ABA Rating

Unanimous ''well qualified''.

ROBERT JAMES JONKER—U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

Robert James Jonker was nominated to be a United States District Judge on June 29, 2006. A hearing was held on his nomination on September 19, 2006. His nomination was favorably reported out of the Judiciary Committee on September 29, 2006; however, the Senate failed to act on his nomination prior to the adjournment of the 109th Congress. President Bush renominated Mr. Jonker on March 19, 2007, and the committee favorably reported him on June 7, 2007.

Mr. Jonker received his B.A., with honors, from Calvin College in 1982 and his J.D., summa cum laude, from the University of Michigan Law School in 1985, where he was elected Order of the Coif.

Upon graduation from law school, Mr. Jonker served as a law clerk to the Honorable John F. Feikens of the U.S. District Court for the Eastern District of Michigan. His clerkship lasted from 1985 to 1987.

Following his clerkship, Mr. Jonker accepted an associate position with the Michigan law firm, Warner Norcross & Judd, where he focuses on complex business and environmental litigation.

In 1994, Warner Norcross made him a partner, a position he holds today.

For 6 years, Mr. Jonker has served as chair of the professional staff committee of Warner Norcross, which is responsible for the recruitment, development, retention and review of associate attorneys.

Mr. Jonker was recognized in the Best Lawyers in America for his business litigation expertise.

The American Bar Association has unanimously rated Mr. Jonker ''Well Qualified'' to serve as a Federal district court judge.

This vacancy has been designated a ''judicial emergency.'' In fact, the Western District of Michigan has the highest weighted case filings in the Sixth Circuit. Currently, there is only one active judge—Chief Judge Bell—out of the four judgeships authorized for the district. Chief Judge Bell wrote letters on December 28, 2006, and again on April 18, 2007, explaining the dire need for judges in the Western District and that he and the senior judges are ''exhausted.''

EXECUTIVE PRIVILEGE

Mr. SPECTER. Madam President, I wish to make a comment or two on the subject broached by the distinguished chairman of the committee on the current issue with the challenge on executive privilege where letters were received today from the White House Counsel indicating that executive privilege would be asserted. It is my hope that we will yet be able to resolve this controversy because of the importance of getting the information which the Judiciary Committee has sought in its oversight capacity.

We are dealing with a Department of Justice which I think, fairly stated, is dysfunctional. We have seen the Attorney General of the United States come before the Judiciary Committee and say he was not involved in discussions, not involved in deliberations, and then was contradicted by three of his top deputies, contradicted by documentary evidence in the e-mails.

I think it is generally conceded that the President of the United States has the authority to remove U.S. attorneys for no reason, just as President Clinton did when he took office in 1993, but you cannot remove a U.S. attorney for a bad reason.

There have been questions raised as to the request for the resignation from the U.S. attorney from San Diego, that she perhaps was hot on the trail of confederates of former Congressman Duke Cunningham, who is serving 8 years in jail. I do not know whether that is true. We have yet not had an explanation from the Department of Justice as to why her resignation was requested.

Similarly, a cloud has existed over the reasons for the requested resignation for the U.S. attorney from New Mexico, with some suggestions that he was asked to resign because he would not bring prosecutions for vote fraud when he thought there was no basis, and some of us thought there was a basis. That has not yet been explained, and the request for resignations generally has not been explained.

The Department of Justice is second only to the Department of Defense in importance to the United States. The Department of Justice has the responsibility for investigating terrorism, has the responsibility for investigating and prosecuting drug dealers in international cartels, the responsibility for investigating and prosecuting organized crime and violent crime. Yet it is pretty hard to make a more conclusive description than to say that the Department of Justice is dysfunctional, and the Attorney General insists on

staying. I think, as to his own decision, it is a matter for him personally. I am not going to tell him what to do, nor am I going to make a recommendation to the President. Under separation of powers, it is the President's call. I don't want the President to tell me how to conduct my office in the Senate and I am not going to impede upon his executive authority, but I do believe that the inquiry which the Judiciary Committee is conducting might produce facts, if we get to the bottom of things, find out what they are, which would lead us to a new Attorney General, which I think is very much in the national interest.

So I am hopeful we can yet avoid the confrontation. I think, candidly, there is a lot of posturing on both sides. I don't think it is realistic to seek a contempt citation brought against the President—that is newspaper talk—contempt citation brought against anybody in the executive branch, because there are arguments on both sides of this issue. I hope we can work it out so that we don't test the good faith of the executive branch in asserting privilege or the good faith of the legislative branch, the House of Representatives Judiciary Committee and the Senate Judiciary Committee, in seeking facts as part of our oversight responsibility. I hope we can work it out.

I said a long while ago I would be prepared to accept the President's terms, with only one exception, and that was the importance of having a transcript as to what happens. The President made an offer on national television months ago saying he would allow White House personnel to come in and be informally questioned, but he did not want to have them under oath, and I would prefer to see them under oath. But I would give on that issue, because what they say is subject to a criminal prosecution with a 5-year penalty, the same as a perjury conviction for a false official statement under 18 U.S. Code 1001.

Mr. LEAHY. Will the distinguished Senator yield for a question on that point?

Mr. SPECTER. I yield.

Mr. LEAHY. Would the distinguished Senator accept the offer of the President, if the rejoinder of the President was if we did it the way you describe—transcript, knowing that the criminal code applies—but once you have done that, there would be no followup? Even if you were to find something out during that meeting, there would be no followup; there would be a promise of no subpoenas, there would be no further proceedings?

Mr. SPECTER. I will be pleased to respond to that relevant inquiry. Senator LEAHY and I have discussed this before. We have discussed just about everything, because we do things on a joint basis—about as pure as Ivory Snow, 99.4. We have some disagreements, but we try to work them out on a bipartisan basis because we think it is the right way to approach it.

The Senator from Vermont has said he thinks we would be barred from a followup, and I don't know whether that is part of the offer which the President has made, but we can get it clarified further. I do not think we could make the commitment not to pursue a subpoena at a later time if we felt the informal interviews were insufficient. I don't think we can give up our authority in that process, and if we could, I wouldn't agree to that because I don't know what the informal interviews are going to produce and I would want to retain the right to exercise our right to subpoena. I would acknowledge at the same time that if we exercise our right to a subpoena that the President could exercise whatever rights he has on executive privilege. We would be back to square one, but at least we would have the advantage of the questioning. I know the questioning of Senator LEAHY, a tough prosecutor from Burlington, VT. I have been there. And on an informal basis, Senator LEAHY can extract quite a lot of information, and Chairman CONYERS has the capacity to extract a lot of information. I might even have a relevant question or two to ask in the course of the proceedings.

I think we can get a lot of information. I want to have that information. I want to find out as much as I could before I go to court on what is going to be a 2-year battle. It is going to outlast the President's term. It is going to outlast Attorney General Gonzales's tenure. I don't think the next President is going to reappoint Attorney General Gonzales.

Let the record show there is a smile from staff in the back. It was intended to be not serious.

Then the President doesn't want there to be these witnesses to go before both committees, and that is all right. I think Chairman CONYERS and Chairman LEAHY, in consultation with their ranking members, can work out a smaller group from the House and Senate, bipartisan, bicameral, sufficient to ask the questions. Then I would prefer that it be public. But as long as the transcript is published, I would give that up as well.

I think it is so important that we get to the bottom of this important issue so we can have the Department of Justice function in the interest of the public that I am prepared to make those concessions, but I want a transcript. I would even be willing to give up the transcript if I am compelled to. I would take the interviews rather than have nothing. It would be at least something. But I would say to the President, the executive branch, that the transcript protects not only the questioners but the persons being questioned so there is no doubt as to what was said. I have been in closed-door meetings and had a number of participants walk out and, in perfectly good faith, have different versions as to what occurred. That happens when you are in a closed session. That happens when you are in a closed meeting, in perfectly good faith. That is why a transcript would protect Sara Taylor. It would protect Ms. Harriet Miers. It would protect the people who are being questioned.

It is my hope we can yet work this out. Before taking the floor, I asked Senator LEAHY if he would be willing to accept—he doesn't want to go as far as I do, and I can understand why he would insist on a transcript—I say I would like to have a transcript—but rather than have nothing, I would be willing to go into a closed session and have Senator LEAHY question, Chairman LEAHY question, Chairman CONYERS question, and I question, some others question, to find out what we can. If at the end of that process we feel it is necessary to revert to subpoenas, we cannot, I think—but in any event should not—give up that power that resides with the legislative branch. I don't think we have the authority to give it up, but if we had the authority to give it up, I wouldn't want to give it up.

But I want to pursue this matter and I want to get the information. When you talk about a criminal citation, a citation for criminal contempt, you are talking about a very serious matter. I have great empathy for the witnesses, Sara Taylor and Harriet Miers, who have been subjected to these subpoenas. If they assert executive privilege, and I agree that they are compelled to, I think once they are instructed by the President that the work they did for him is subject to his executive privilege, as he sees it, I think they have no choice. But when you bring a criminal contempt citation against Sara Taylor, people aren't going to understand she is an innocent pawn in the midst of this proceeding. If you bring a criminal contempt citation against anybody, there is an inference of some wrongdoing. You don't have a criminal charge customarily unless there is probable cause to believe a crime has been committed. That is when you have a warrant of arrest. That is when you have an indictment. Of course, a contempt citation is different, but if you call it a citation for criminal contempt, that has a tarring effect which is very serious and which is very profound.

The U.S. attorney has to bring the charge, and the U.S. attorney has discretion. It is not an automatic matter that if the Congress refers the issue for a criminal contempt citation, it is mandated. U.S. attorneys have discretion as to what they do. They can bring it or not, depending upon their conclusions, upon their allocation of resources. And they can bring it on what they want to do. I could see how a U.S. attorney might not want to spend a whole lot of time on this matter. I can see how the taxpayers of the United States wouldn't like to spend a whole lot of time on this matter. But that is where we are heading if this posturing continues.

Most importantly, we will not find out the underlying facts on the request for the resignations of these U.S. attorneys, and that is important to do so we can make a final evaluation by the Judiciary Committee as to what our conclusions are on this matter, and it would bear heavily on the continued service, the continued activity, by Attorney General Gonzales in holding that position.

Madam President, I see the distinguished Senator from Kansas on the floor, and we have a short time left until the votes start at 5:30, but I yield to Senator BROWNBACK.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I wish to address the nomination of Janet Neff, who is the second nominee to come up. I can do so now or wait until after the first vote. I would defer to my colleague from Pennsylvania, if he wants to do it that way, or if there an order established on the vote or for debate on the second nomination.

The PRESIDING OFFICER. There are 10 minutes provided to the Senator from Kansas after the first vote.

Mr. BROWNBACK. I would be happy to take my time at that point in time, and I yield the floor.

Mr. SPECTER. Madam President, I think there is going to be real interest on the part of the body in moving to the second vote, but there are 10 minutes for the Senator from Kansas after the first vote?

The PRESIDING OFFICER. That is correct.

Mr. BROWNBACK. I would be happy, if I could, Madam President, to take that time now. It won't be the full 10 minutes, but I wish to be able to discuss this. This is a matter of some concern. It has been pending for over a year, and I think it is meritorious of the nominee that it be brought forward.

Mr. SPECTER. Madam President, I would ask the Senator from Kansas if he would be willing to take 5 minutes and delay it to that extent.

Mr. BROWNBACK. Let us see if I can cover it, but if I can't, I will take some time before the second vote occurs. This has been pending for a year's period of time, and it is a significant matter.

Mr. SPECTER. Madam President, I suggest we proceed to regular order then.

The PRESIDING OFFICER. The Senator from Pennsylvania has time remaining, if you choose to yield that to the Senator or yield it back.

Mr. SPECTER. How much time do I have remaining?

The PRESIDING OFFICER. Nine minutes.

Mr. SPECTER. Ten minutes. I yield to the Senator from Kansas on the understanding that will be the time he would have had otherwise, and that we may proceed then to the sequence of votes.

Mr. BROWNBACK. That is acceptable to me.

The PRESIDING OFFICER. Without objection, it is so ordered. There are 9 minutes remaining.

Mr. BROWNBACK. I thank my colleague from Pennsylvania for accommodating me. Also, we wish to accommodate the other Members who will come in and I think will want to vote in a series of votes. I think that is perfectly fine.

I wish to address the second nominee who will be up today, Janet T. Neff, for the District Court of the Western District of Michigan. The Presiding Officer has had an interest in this matter, as well as many others. Alexander Hamilton, in Federalist 78, said this about judges:

> The courts must declare the sense of the law; and if they should be disposed to exercise WILL instead of JUDGMENT, the consequence would equally be the substitution of their pleasure to that of the legislative body. The observation, if it proves anything, would prove that there ought to be no judges distinct from that body.

As we consider judicial nominees, we must consider whether they have the temperament, disposition, and ideology to interpret the law without regard to their own personal will. Because I am not convinced Judge Neff can do that, I cannot support her nomination.

I wish to give the body some background on this matter. On June 28, 2006, Judge Janet Neff was nominated by President Bush for a seat on the U.S. District Court for the Western District of Michigan. I wish to point out that she was part of an overall package of judges that was put forward and that the Michigan Senators were part of this discussion of her nomination. I do not know if she would have been the top pick of the President, but this is where we work together in this body, trying to get district judges the Senators from that State would support. These were supported by my two distinguished colleagues from Michigan. They were for Judge Neff.

In September of 2006, following her hearing before the Senate Judiciary Committee, I became aware of Judge Neff's participation in a same-sex commitment or marriage ceremony in Massachusetts in 2002. This was reported in the New York Times.

This concerned me. I placed a hold on Judge Neff's nomination in order to ascertain her role in the ceremony and her position on the constitutional validity of State bans on same-sex marriage. That is the core issue. No. 1, factually, what is it that took place that she participated in and, No. 2, what is her view of the constitutionality of same sex marriages? She would be going on to the Federal bench and this issue is likely to come in front of her.

With regard to her involvement in the 2002 Massachusetts commitment ceremony, Judge Neff first responded to my concerns in a letter. She described the context of the ceremony itself but declined to answer questions regarding the legality of traditional marriage laws and initiatives. For that reason, I requested a second hearing with Judge Neff, which was held on May 10, 2007. My distinguished colleague from Vermont, the chairman of the committee, accommodated that hearing, and I appreciate that he did. At that hearing, Judge Neff testified she attended the commitment ceremony in Massachusetts as a close friend of one of the women involved. She stated she did not ''lead'' the proceeding, as the New York Times reported but, rather, participated as the homilist in the formal ceremony itself. Judge Neff testified that when she was asked to deliver the homily, she was pleased to do that.

I spent much time considering whether her role as a homilist can fairly be described as leading the ceremony. It is my belief, whether she led the ceremony, she was an active participant and not a mere bystander.

I wish to make clear my decision to oppose Judge Neff's nomination is not based merely on her involvement in this ceremony. Rather, her participation in this ceremony was simply the means I became aware of her approach to interpreting same-sex marriage laws, which are likely to come in front of her or have a good possibility of coming in front of her were she to be placed on the Federal bench.

After discussing her role in the ceremony, I asked about her understanding of the law regarding same-sex marriage. When asked whether she feels the Constitution creates a right to same-sex marriage, Judge Neff said that is a ''continuing legal controversy.''

When asked what her understanding is regarding Michigan statutory defense of marriage law, she said, ''I really don't have an understanding of it.''

I would note for the record the State of Michigan passed a constitutional amendment by a vote of the people in 2004, 59 percent to 41 percent, defining marriage as a union of a man and woman. But prior to that, in 1996, prior to this commitment ceremony in 2002, the legislature passed a State law defining marriage as between a man and a woman—clearly the law of Michigan.

When asked her understanding regarding the law in Michigan, she said, ''It's not entirely settled,'' even though the legislature had passed this in 1996 and by 2004 the people of Michigan had passed a definition of marriage.

These answers of hers give me pause. Michigan's defense of marriage law, which has been on the books since 1996, says:

> Marriage is inherently a unique relationship between a man and a woman. As a matter of public policy, this State has a special interest in encouraging, supporting and protecting that unique relationship in order to promote, among other goals, the stability and welfare of society and its children. A marriage contracted between individuals of the same sex is invalid in this State.

In addition to this statute, in 2004, the voters of Michigan passed a similar constitutional amendment defining marriage as a union of a man and a

woman. In my opinion, the law of Michigan could not be more settled. The fact that Judge Neff feels the court has to weigh in before this issue is settled suggests a misunderstanding of the role of the judiciary. The people of Michigan have spoken, similar to those of 27 other States. The amendment was a direct statement by the people of Michigan. Never is it more important to respect the will of the people than with issues of fundamental family values. Those issues must be decided by the people and not by Federal judges.

Because I am not persuaded that Judge Neff will fairly uphold the law of the State of Michigan, I cannot support her nomination for a lifetime appointment to the bench.

This has been a long and arduous journey and I recognize that for Judge Neff and I recognize that for the State of Michigan. I appreciate her willingness to come in front of us in the confirmation process. But I believe one of the most important aspects of my job as a Senator is the consideration of judges for the Federal bench. I take the Senate's role in the judicial nomination process very seriously. Individuals who are put in these positions assume lifetime appointments. We have a responsibility to ensure they understand their role and are firmly rooted in the principles of law and justice and what they will do in interpreting the law, not writing the law. They must be committed to following the letter of the law without imposing their own ideologies.

Because I am not satisfied that Judge Neff can do this, on a very important, very controversial issue of our day, I cannot support her nomination. I have reached out. I met personally with Judge Neff. I met with the Senators from the State of Michigan. This has been a long ordeal.

It is my considered judgment that she is not well-set on her role as a judge and more willing to consider her role as an activist in this particular issue.

With that, I ask my colleagues and urge my colleagues to consider it and consider opposing and voting against Judge Neff's nomination.

I thank my colleagues for accommodating me. I urge a ''no'' vote on Judge Neff, the second nominee. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Vermont.

Mr. LEAHY. Madam President, does the Senator from Vermont have any time remaining?

The PRESIDING OFFICER. The Senator does not have any further time on this nomination.

Mr. LEAHY. Madam President, I ask unanimous consent that 3 minutes of the time I have reserved between this vote and the next vote be yielded to the distinguished senior Senator from Michigan at this point.

The PRESIDING OFFICER. Is there objection?

Mr. BROWNBACK. Madam Present, do I have any time remaining? The only reason I am asking this is—I think that is a fair request, but I would like to have a minute between the votes when our colleagues are gathered here. It seems it would be only fair.

The PRESIDING OFFICER. The Senator from Kansas has 45 seconds remaining.

Mr. BROWNBACK. If I could ask for a minute at that time, I would have no problem for 3 minutes for my colleague from Michigan. I think it is fair when our colleagues are present to hear some of this discussion.

The PRESIDING OFFICER. Is there objection? The Senator from Michigan.

Mr. LEVIN. I believe the Presiding Officer would also need some time between the votes, and I believe that is not impacted by the current request; is that correct?

Mr. LEAHY. I will take it off my time between the votes. But there will be time for both the Senator from Pennsylvania and the Senator from Vermont between the votes.

Mr. SPECTER. Is the Senator from Kansas asking for 1 minute?

Mr. BROWNBACK. I am.

Mr. LEVIN. Between the votes or no?

Mr. BROWNBACK. Between the votes. That is when your time would occur.

Mr. LEAHY. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, before the Senator from Michigan speaks, the first pending is who?

The PRESIDING OFFICER. O'Grady is the next.

Mr. LEAHY. Madam President, I ask it be in order to ask for the yeas and nays on both the O'Grady and the Neff nominations at this point.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. LEAHY. I ask for the yeas and nays on those two and only those two.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered on the two nominations.

The PRESIDING OFFICER. The distinguished Senator from Michigan is recognized for up to 3 minutes.

Mr. LEVIN. I am pleased the long road to confirmation for three nominations for the Federal bench in the Western District of Michigan, Janet Neff, Robert Jonker, and Paul Maloney is apparently near the end of the road. Senator STABENOW and I worked with the White House on these nominations. Last year they were unanimously reported out of the Judiciary Committee and again this year. The confirmation of these nominees has been blocked since last November. The sticking point of the Senator who objected was that one of the nominees, Judge Neff, personally attended a same-sex commitment ceremony of a family friend who was a next-door neighbor of hers for 26 years.

When Judge Neff was asked to deliver some remarks, Judge Neff felt it was similar to being asked by one of her own daughters to be part of an important event in her life.

The ceremony was entirely private. It took place in Massachusetts, where Judge Neff has no official capacity. The ceremony had no legal effect. Judge Neff took no official role in the ceremony whatsoever.

Her qualifications are clear. She currently serves on the Michigan Court of Appeals, where she has served for a significant period of time.

Judge Neff graduated with honors from the University of Pittsburgh in 1967, then graduated from Wayne State University Law School in 1970. She has had a distinguished legal career. After law school, Judge Neff served as an estate and gift tax examiner for the Internal Revenue Service and then as a research attorney for the Michigan Court of appeals, before becoming an assistant city attorney for the city of Grand Rapids. Judge Neff has also worked in private practice, served as a commissioner for the Michigan Supreme Court and then as an assistant U.S. attorney. Judge Neff currently serves on the Michigan Court of Appeals. She has been granted numerous awards and honors, including the Outstanding Member for 2006 of the Women Lawyers Association of Michigan.

We are fortunate to have the opportunity today to confirm Judge Neff, along with two other qualified nominees, Robert Jonker and Paul Maloney.

I only hope now that we finally have an opportunity to confirm these three judges, that we will do so and do so overwhelmingly.

I yield the floor.

Mr. WEBB. Madam President, it is my distinct pleasure to offer my support—along with my colleague Senator WARNER—for the nomination of Magistrate Judge Liam O'Grady to be a judge on the U.S. District Court for the Eastern District of Virginia.

Since graduating from law school, Judge O'Grady's career has been as expansive as it has been distinguished. Judge O'Grady currently serves as magistrate judge in the U.S. District Court for the Eastern District of Virginia, where he has sat since 2003. Prior to taking the bench, Judge O'Grady was a partner at the law firm of Finnegan, Henderson, Farabow, Garrett, & Dunner, LLP, 1992–2003, an assistant U.S. Attorney in the Eastern District of Virginia, 1986–1992, and an assistant Commonwealth Attorney for the Commonwealth of Virginia. Judge O'Grady began his career as a law clerk to an administrative law judge for the Department of Labor and the Department of the Interior, 1976–1979, and was subsequently a sole practitioner, 1979–1982.

Judge O'Grady has spent equal time in Federal and State courts and has spent equal time handling criminal and civil matters. Judge O'Grady has tried more than 100 cases before a jury.

Moreover, he has authored and published several scholarly articles, and he has devoted countless hours in pro bono work for low-income and indigent clients. Judge O'Grady was unanimously rated ''well-qualified'' by the American Bar Association.

Judge O'Grady is married to Grace McPhearson O'Grady and has four children. He resides in McLean, VA. Judge O'Grady received a B.A. from Franklin & Marshall College, 1973, and a J.D. from George Mason University School of Law, 1977.

As I have previously noted, the Constitution assigns a pivotal role to the Senate in the advice and consent process related to Federal judges. These judgeships are lifetime appointments, and Virginians expect me to take very seriously my constitutional duties. In my mind, it matters not whether a nominee is a Republican or a Democrat, but rather whether the nominee will be respectful of the Constitution, and impartial, balanced, and fair-minded to those appearing before him. After careful deliberation, including conferring with Senator Warner, I believe that Judge O'Grady meets these high standards.

I thank the Chair for the opportunity to make these remarks about Judge O'Grady and for the expeditious way the Senate has moved his nomination through the process during the 110th Congress. Again, it is with pride that I join Senator WARNER in recommending Judge O'Grady to each of my colleagues in the Senate.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Liam O'Grady, of Virginia, to be U.S. district judge for the Eastern District of Virginia.

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), the Senator from South Dakota (Mr. THUNE), and the Senator from Ohio (Mr. VOINOVICH).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 239 Ex.]

YEAS—88

Akaka	Dole	Menendez
Alexander	Domenici	Mikulski
Barrasso	Durbin	Murkowski
Baucus	Enzi	Murray
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Roberts
Brown	Harkin	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sanders
Byrd	Inhofe	Schumer
Cantwell	Isakson	Sessions
Cardin	Kennedy	Shelby
Carper	Kerry	Smith
Casey	Klobuchar	Snowe
Clinton	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Stevens
Coleman	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Vitter
Corker	Lieberman	Warner
Cornyn	Lott	Webb
Craig	Lugar	Whitehouse
Crapo	Martinez	Wyden
DeMint	McCaskill	
Dodd	McConnell	

NOT VOTING—12

Allard	Ensign	McCain
Burr	Inouye	Obama
Chambliss	Johnson	Thune
Dorgan	Lincoln	Voinovich

The nomination was confirmed.

NOMINATION OF JANET T. NEFF TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to Executive Calendar No. 140, which the clerk will report.

The bill clerk read the nomination of Janet T. Neff, of Michigan, to be United States District Judge for the Western District of Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. I am about to yield momentarily to the Senator from Michigan. I know the Senator from Pennsylvania has assured, as I have, the Senator from Kansas that he will have a minute. Then I will yield back whatever time remains so we can go to a rollcall vote on this nomination. Neither the Senator from Pennsylvania nor I will ask for rollcall votes on the remaining nominations. They would then have a voice vote, assuming this one is confirmed.

I yield such time as the Senator from Michigan needs.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank Judiciary Chairman LEAHY and Ranking Member SPECTER for their assistance in moving forward the nominations of Judge Paul Maloney and Judge Janet Neff and Robert Jonker to the U.S. District Court for the Western District of Michigan.

Judge Paul Maloney has served as a circuit judge on the Berrien County Trial Court for over 10 years. Judge Maloney also brings a wealth of public service experience to the bench, including: working as a Berrien County prosecutor, a deputy assistant attorney general in the Department of Justice and as chairman of the Michigan Sentencing Commission.

Judge Janet Neff has served as a judge on the Court of Appeals for the Third District of Michigan for nearly 20 years. In addition to her distinguished career on the bench, Judge Neff has been an active leader in Grand Rapids, including serving as the first woman president of the Grand Rapids Bar Association.

Robert Jonker has been a partner at Warner, Norcross & Judd in Grand Rapids for over 12 years. A life-long Michiganian, Robert Jonker is a graduate of Calvin College and the University of Michigan Law School, and has served as a law clerk for U.S. District Court Judge Robert Feikens in the Eastern District.

This situation is critical for my State. Currently, the Western District has only one full-time judge hearing cases, and the Judicial Conference has declared it a judicial emergency. Even when the bench is full, this district presents logistical challenges because it covers Michigan cities all the way from Marquette to Benton Harbor—St. Joe.

I was deeply disappointed that in the last Congress, the Senate failed to act on these three nominees despite a bipartisan agreement between myself and Senator LEVIN and the administration.

I am pleased the full Senate will be voting to confirm the three nominees, who will all bring distinguished legal careers to the Federal bench.

This is an important example of how we can work together. I hope the administration sees the value of working together in a bipartisan fashion with the Senate to ensure an independent and impartial judiciary that is accessible to all.

Senator LEVIN and I have worked closely with the White House. While it has taken longer than we would have liked to come to this point, we are extremely pleased and grateful to our distinguished chairman, who has worked very hard on our behalf, Senator LEAHY, and the ranking member, Senator SPECTER. Both Senators have worked hard to bring these nominees forward. These are three very distinguished people from Michigan with tremendous credentials for the bench. They will serve ably, and I am proud to support them.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I urge my colleagues to vote against Judge Neff going onto the bench for a lifetime appointment. I have met directly with her. I have been present for two hearings where she has spoken on the controversial issue of same-sex marriage, which we all agree should be decided by legislative bodies and by the people, not by the courts. She has an

activist view on this issue. She participated in a ceremony herself. Then, when asked about her view toward same-sex unions, she said she considers it a continuing legal controversy. Her words: I really don't have an understanding of it, concerning the Michigan law. In Michigan, the State has defined marriage as the union of a man and a woman, both by the legislature and the people. She says it is not entirely settled. Here is an activist on a core issue, a difficult issue, one I think we all believe should be decided by legislative bodies and not by the courts. She would be one who would have a tendency to rule from the bench.

I urge my colleagues to vote against Judge Neff.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, Judge Neff was voted out of the committee with strong bipartisan support and was on the agenda to be confirmed under Republican control of the Senate last year when we had the snag on judges. She has my strong support and the support of the committee. I urge that she be confirmed.

If nobody else is seeking recognition, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Janet T. Neff, of Michigan, to be United States District Judge for the Western District of Michigan?

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Colorado (Mr. ALLARD), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 4, as follows:

[Rollcall Vote No. 240 Ex.]

YEAS—83

Akaka	Cantwell	Craig
Alexander	Cardin	Crapo
Barrasso	Carper	DeMint
Baucus	Casey	Dodd
Bayh	Clinton	Dole
Bennett	Coburn	Domenici
Biden	Cochran	Durbin
Bingaman	Coleman	Enzi
Bond	Collins	Feingold
Boxer	Conrad	Feinstein
Brown	Corker	Graham
Byrd	Cornyn	Grassley
Gregg	Lott	Sanders
Hagel	Lugar	Schumer
Harkin	McCaskill	Sessions
Hatch	McConnell	Shelby
Hutchison	Menendez	Smith
Inhofe	Mikulski	Snowe
Isakson	Murkowski	Specter
Kennedy	Murray	Stabenow
Kerry	Nelson (FL)	Stevens
Klobuchar	Nelson (NE)	Sununu
Kohl	Pryor	Tester
Landrieu	Reed	Warner
Lautenberg	Reid	Webb
Leahy	Roberts	Whitehouse
Levin	Rockefeller	Wyden
Lieberman	Salazar	

NAYS—4

Brownback	Kyl
Bunning	Martinez

NOT VOTING—13

Allard	Inouye	Thune
Burr	Johnson	Vitter
Chambliss	Lincoln	Voinovich
Dorgan	McCain	
Ensign	Obama	

The nomination was confirmed.

NOMINATION OF PAUL LEWIS MALONEY TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to Executive Calendar No. 139, which the clerk will report.

The assistant legislative clerk read the nomination of Paul Lewis Maloney, of Michigan, to be United States District Judge for the Western District of Michigan.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Paul Lewis Maloney, of Michigan, to be a United States District Judge for the Western District of Michigan?

The nomination was confirmed.

NOMINATION OF ROBERT JAMES JONKER TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to Executive Calendar No. 154, which the clerk will report.

The assistant legislative clerk read the nomination of Robert James Jonker to be United States District Judge for the Western District of Michigan.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Robert James Jonker, of Michigan, to be United States District Judge for the Western District of Michigan?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Motions to reconsider are laid on the table.

The President will be notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will return to legislative session.

The Senator from Oklahoma is recognized.

TERRORISM

Mr. INHOFE. Mr. President, during the last week that we were not here during the Fourth of July recess, there was a lot of misinformation floating around about things that may or may not be happening concerning the war on terrorism. I would like to make some clarifications, if I could.

I think it is very significant that we understand what is really going on, not what some of the media tell us is going on. I have found through my experience—and I say this: I come to the floor with probably having made more trips to the Iraqi AOR, 14 in total, than any other Member, so I have been there quite a few times. I have watched the changes as the changes have taken place.

Let me share with my colleagues, first of all, a little background. The United States Code defines terrorism as premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents. Their goal is to inflict the maximum amount of damage and pain to civilians irrespective of age, race, gender, or religion. It will remain a global threat for the foreseeable future. It is global. I think a lot of people don't realize how global this is but, if we just look at the things that have happened recently, including terrorist attacks in Somalia, Kenya, and Tanzania. We remember in those places the Embassies being blown up. The United States, France, Morocco, Turkey, Spain, Indonesia, Great Britain, Jordan, Egypt, Saudi Arabia, Philippines, Algeria, Yemen, and Tunisia are just a partial list of some of the places where there have been terrorist attacks.

The National Counterterrorism Center reported approximately 14,000 terrorist attacks occurred in various countries during 2006. Over 50 percent of the attacks occurred in Iraq or Afghanistan. Reported incidents decreased for Europe, Eurasia, South Asia, and the Western Hemisphere.

Now, the following terrorist-related attacks occurred within the past 30 days outside of Iraq and Afghanistan. The mentality that somehow it is all happening in Iraq is false. There were some statements made in declaring certain areas in Iraq to potentially be the terrorism capital, but we will talk about that in a minute.

A car bomb exploded outside of the Somalian Prime Minister's residence killing six people. This is all in the last 30 days. A bomb exploded in front of a crowded tea shop in Thailand killing 1 woman and wounding 28 others. That was on June 8. An explosion outside the

Ambassador Hotel in Nairobi, Kenya, killed 1 and injured 37. I might add that was a mere 3 days from the time I was actually staying in that hotel. A bomb exploded outside a clothing shop in Istanbul, Turkey, wounding 14 people. A car bomb in a Beirut seaside neighborhood killed 10 people and wounded 11 others. Suicide bombers drove an SUV into the Glasgow airport doors, injuring six people. A suicide bomber drove into a convoy of Spanish tourists, killing nine people and wounding five others. That is just what has been taking place in the last month.

In the United States, President Bush organized and energized the Federal Government to pass the PATRIOT Act which broke down the walls between Federal law enforcement and intelligence communities. It created the Department of Homeland Security, merging 22 different Government organizations. It created the position of Director of National Intelligence to seamlessly integrate operations of intelligence agencies.

We have had this problem for a long time. I recall when I was first elected, when I came from the House to the Senate, and my predecessor was David Boren, who is now the President of Oklahoma University, and the last thing he told me before I was sworn in was one of the biggest problems we have is in coordinating our intelligence communities so that everybody knows what everybody else is doing. We hadn't really done that until 9/11 came along and we started getting serious about it. I am sure President Boren will be very glad to know that this is an important improvement that has been made. We directed the National Security Agency to monitor terrorist communications and established a program to detain and question key terrorist leaders and operatives. I know there is a lot of talk about what is torture and what is not torture. But we do know that HUMINT, human intelligence, is very, very important. It is something we have to consider, the lives of those who would be lost versus the lives of criminals who are being interrogated.

We placed state-of-the-art equipment in major cities in the United States to detect nuclear and radiological weapons and biological agents. We placed advanced screening and equipment and Homeland Security personnel at foreign ports to prescreen cargo headed for the United States.

I think it is very interesting that a lot of people are talking about how much this has cost.

Everything I have read costs something. The question is, How many lives has it saved? That is something very difficult to ascertain. Fighting the terrorists is a coalition of more than 90 nations. It is not just the United States, it is the United States and 90 other nations—a coalition of nations that has sought to synchronize diplomatic, intelligence, law enforcement, economic, financial, and military power to attack terrorism globally. I believe it is working. As the President has recently said, to strike our country, the terrorists only have to be right once. To protect our country, we have to be right 100 percent of the time. As we learned on 9/11, and many times in other countries, it only takes one time for them to be successful. We know that some of the results are significant.

We captured an al-Qaida operative named Ali Saleh al-Marri in the United States, who we believe was targeting water reservoirs, the New York Stock Exchange, and the U.S. military academies in December 2001. This was the first post-9/11 plot that was thwarted. Al-Marri offered himself as a martyr to Khalid Shaikh Mohammed, the mastermind of 9/11. He was his No. 1 man. He sent him to the United States after he received training in poisons at an al-Qaida camp.

It is kind of interesting that people say there is no connection between Iraq and al-Qaida when, in fact, we know now and can release information on several training camps that were there. Very likely, he could have been trained in that particular camp.

The British authorities broke up a plot to blow up passenger airplanes flying to America, which could have rivaled 9/11. We know that happened. The plot was foiled in August of 2006. They planned to blow up as many as 12 U.S.-bound passenger jets. They planned to use liquid explosives hidden in carry-on luggage. U.S.-British authorities had a group under surveillance for many months, and many of the suspects were British citizens of Pakistani origin. They thwarted that. That didn't happen. That could have happened and, very likely, would have except for all these efforts of the United States and other countries.

We broke up two other post-9/11 aviation plots—one targeting the Library Tower in Los Angeles and the other targeting the east coast. An al-Qaida leader in Southeast Asia, known as Hambali, recruited Jemaah Islamiyah operatives of Asian origin. The plot was derailed early in 2002 with international cooperation. Library Tower is the tallest building west of the Mississippi, 1,018 feet tall. It is among the 25 tallest buildings in the world. That didn't happen. That was planned. It could have happened. It was stopped by this combined effort.

Four men were indicted in an alleged plot to attack John F. Kennedy International Airport by blowing up a jet fuel supply. They planned to hit the fuel farms and a 40-mile aviation fuel supply pipeline, and they specifically targeted the symbolism of JFK, sought to invoke emotional reaction saying, ''It is like killing the man twice.'' That is their statement. Suspects were tied to extremist groups in South America and the Caribbean, specifically Guyana and Trinidad. One suspect was a former airport cargo worker. They sought massive disruption of the U.S. economy by cutting off this major artery of travel that connects the United States to the rest of the world—over a thousand flights a day, half of which are international, 45 million passengers and 1.5 million tons of cargo a year.

They disrupted a plot by a group of al-Qaida-inspired extremists to kill American soldiers at Fort Dix in New Jersey, which was the result of a 16-month investigation by the Justice Department and the FBI. Suspects had taken an incriminating video to the store to be transferred to DVD. The video showed calls for jihad and radical and violent ranting in Arabic, including images of the men firing assault weapons.

Terrorists attempted to detonate two car bombs using cell phones in London's West End. That happened over the last recess we had. It heightened public awareness and quick police action prevented detonations of two Mercedes car bombs. This was a concerted effort. We and the Brits were in on that. All others on this team worked very well and very effectively.

Now, in Iraq, we have had success that is critical to our long-term fight against terrorism. Osama bin Laden calls the struggle in Iraq a ''war of destiny.'' Al-Qaida sees victory in Iraq as a religious strategic imperative, a base from which to launch new attacks around the globe.

While I am troubled the war has cost us, I believe it is absolutely necessary for us to be able to have this success. I can recall a year ago standing at this podium in the Senate quoting al-Qaida, saying Ramadi—that province in Iraq was going to become the terrorist capital of Iraq. When I was in Ramadi a matter of days ago, we found that there are new groups of people cooperating now that never cooperated before. I think some of the people in this body who were talking about surrender resolutions and all that—it got their attention. Maybe that performed a useful function because all of a sudden the people woke up. I learned something there too. All these political leaders we hear about, such as Prime Minister Maliki and Defense Minister Jasim and Dr. Rubiya, and some of the rest—I thought they were the ones who were the leaders. I think it is the clerics in the mosques. All of a sudden, they became concerned and, up until that time, we had been monitoring all of the procedures and the performances they have had on a weekly basis in the mosques. Eighty-five percent of them have been, up until December of this last year, anti-American messages. As of April, there haven't been any anti-American messages. That shows that the clerics have gotten involved in this thing. In Tulsa, OK, we have neighborhood watch programs, where people get neighbors to watch and see what is going on. This is happening throughout Iraq, where they are spraying orange spray paint around IEDs that haven't

been detonated so our troops could disarm them. Those things have happened. I think the joint security stations have been very successful in Baghdad. Instead of our troops going out and coming back into the green zone at night, they stay and get to know and develop close, intimate relationships with the Iraqi security forces and their families. That has had a tremendously positive effect.

The future will be difficult in the fight against terrorism. It is not a sprint, it is a marathon. We have to remain vigilant, determined, and strong. I want our troops to come home as badly as anybody. When you think about the consequences of losing this thing, all it would take for these people who are crying out about their feelings and saying let's get out of Iraq, all it would take is one successful terrorist attack similar to those that have been stopped through this joint effort. We would have to pay dearly.

I hope people will sit back and realize we have access to information the general public doesn't have. Sure, the polls show the majority of people would like to have our troops come back. I would, too, but when you ask the questions and give them the alternatives, they would rather win this war than resign from it.

FAIRNESS DOCTRINE

Mr. INHOFE. Mr. President, I am pleased to cosponsor, with Senator COLEMAN, an amendment to prohibit the reimplementation of the Fairness Doctrine.

As we may remember, over the past few weeks, the Fairness Doctrine has received a lot of attention. Some Senators spoke about the need to reinstitute this doctrine. The Fairness Doctrine is a regulation the Federal Communications Commission developed to require FCC-licensed broadcasters to provide contrasting viewpoints on controversial issues. However, the FCC conducted a review of this regulation in 1985, concluding that ''we no longer believe that the Fairness Doctrine serves the public interest.'' In explaining why the FCC reached this conclusion, they wrote:

> The interest of the public is fully served by the multiplicity of voices in the marketplace today and that the intrusion by Government into the content of programming unnecessarily restricts the journalistic freedoms of broadcasters.

The FCC's refusal to enforce the Fairness Doctrine was later upheld in the D.C. Circuit Court of Appeals.

Why would a regulation that was found to be unnecessary over 20 years ago be controversial today? Well, we found out why. On June 22, the Center for American Progress issued a report called ''The Structural Imbalance of Political Talk Radio.'' Keep in mind that the Center for American Progress is a liberal think tank funded by George Soros and led by John Podesta and a lot of former Clinton White House people in it. The report issued was authored, in part, by a former Clinton White House adviser. This report, not surprisingly, found that 91 percent—I believe this to be true—of political talk radio programming was conservative and 9 percent was progressive or liberal. However, what is surprising is the report suggested antifree market and antifree speech recommendations to supposedly provide balance in talk radio programming. There is a very controversial statement I made in the presence of a couple of our fellow Senators not too long ago when they were talking about the fact that there is so much conservative bias in talk radio. I said it is market driven. That is what America is all about. It is market driven. There is no market for the progressive or liberal programming.

I remember when the DOD was trying to feed the American Forces Radio and television services in the Armed Forces Network and have 50 percent of the programming be liberal. We fought that out on the floor of the Senate and we won because freedom of speech is more important. Consequently, we have gone back and let them decide—our troops—as to the programming they want. It is all done in a fair way so our troops at least can hear what they want to hear over talk radio.

This is for those people who think they have balanced political talk radio. This is a report on that subject. As I go through this, first of all, it identifies the problem they consider—conservative bias. That is what the American people want. It says:

> If commercial radio broadcasters are unwilling to abide by these regulatory standards or the FCC is unable to effectively regulate in the public interest, a spectrum use fee should be levied on owners to directly support local, regional, and national broadcasting.

That is this report. In other words, they are saying not only do these people who, because of their popularity, because of the content and the way they deliver it—not only would they lose their programs, but they would also have to give money to support public broadcasting. This is the most outrageous thing I have ever seen.

I don't think this can happen in America. When you get John Podesta and the former Clinton White House team and their minds set to doing something, they are smart people, and I don't take this lightly. I ask as many people as possible to support our efforts to pass legislation to stop any effort to reinstitute the Fairness Doctrine. I think we should call it something else, such as the Government-run broadcasting.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—H.R. 1585

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes consideration tomorrow of Senator WEBB's amendment No. 2012, that the second-degree amendment be withdrawn and there be 4 hours for debate equally divided in the usual form on that amendment, and that at the conclusion or yielding back of that 4 hours, the Senate vote, without intervening action, on the Webb amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Reserving the right to object, I say to my good friend the majority leader, this amendment was just laid down a couple hours ago. The chairman of the committee and the ranking member of the committee were not even here today. The ranking member will be here tomorrow. He has not even had an opportunity to make his opening statement. We wish to offer a side by side, probably to be offered by Senator LINDSEY GRAHAM, a member of the committee. I was hoping we might be able to enter into a consent agreement that gave us a chance for an alternative, which is frequently the way these things are handled.

Bearing that in mind, Mr. President, I am constrained to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, my friend has stated he would object to 4 hours, and I assume the same answer would be to 6 hours or 8 hours; is that right, I say to my friend.

Mr. MCCONNELL. Mr. President, I say to my friend the majority leader, yes, at the moment. I am hopeful we can work out an agreement under which we could have a side by side, which is the way these things are often done in the Senate.

Mr. REID. I understand that. Mr. President, what I suggest then is this: Senator LEVIN has been here all day. He didn't give his opening statement because he was occupied doing other business. He is here now. He was here all today in the Senate. I talked with him earlier this morning. What I suggest then is we get an agreement that if, in fact, I file cloture tomorrow, we can have a cloture vote on Wednesday. That way we wouldn't do it tonight. We will work with the minority leader. I think there is a strong possibility we could do side by sides. We wouldn't lose anything by waiting until tomorrow to see if we can work out some agreement.

What I am asking is that rather than my filing cloture tonight, hopefully I won't have to do it tomorrow, but if I did on this amendment, rather than waiting until Thursday to vote on it, could I have an agreement from my

friend that we would vote on the cloture motion on Wednesday rather than Thursday?

Mr. MCCONNELL. Mr. President, let me say to my friend the majority leader, I think that is fine. Just a suggestion: If we go down that path of trying to get cloture on every single amendment, if cloture is invoked, then it would further delay completion of the bill potentially by somebody insisting on using postcloture time. We have no desire to make it difficult to get through this bill. We would, however, like to have votes on our amendments.

I think the better way to proceed, as the majority leader has suggested, is to see if we can come to agreement on amendments and side by sides and move the process along, which sounds to me is what the majority leader is suggesting, and that is fine with me.

Mr. REID. That is fine. What we will do, Mr. President, is hopefully not have to file cloture on this amendment. If we do, we will have a cloture vote on Wednesday. I feel confident we can work something out. We will certainly do our best on this side. Senator LEVIN is here. He is easy to work with, as is Senator WARNER.

The ACTING PRESIDENT pro tempore. Is there objection to the cloture vote taking place on Wednesday?

Without objection, it is so ordered.

Mr. REID. I thank the Chair.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION

Mr. ROCKEFELLER. Mr. President, in January the Senate took an important step toward improving congressional accountability by passing the Legislative Transparency and Accountability Act as part of S. 1. One of the key provisions of this legislation attempts to shine light on the process by which Members request the inclusion of specific projects in legislation—in other words, earmarks.

That provision includes a requirement that each Senate committee make public all congressional earmarks included in bills reported by the committee. We normally think of earmarks as part of the appropriations process, but the requirement in S. 1 applies to all bills and makes it clear that the term ''congressional earmark'' includes language authorizing funds, not just appropriations language. The legislation includes a specific requirement to disclose earmarks contained in classified portions of reports ''to the extent practicable, consistent with the need to protect national security.''

With that in mind, I rise today to formally describe for the Senate the earmarks included in S. 1538, the Intelligence Authorization Act for Fiscal Year 2008, a bill reported by the Senate Select Committee on Intelligence on May 31, 2007. This information was not included specifically in the bill or report because we were wrestling with what, if anything, in the bill and classified annex met the definition of an earmark. The definition included in S. 1 is subject to some interpretation.

Taking an expansive view of the definition, Vice Chairman BOND and I identified three items that seem to fit. I ask to have a list of those earmarks printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL EARMARKS INCLUDED IN THE CLASSIFIED ANNEX ACCOMPANYING S. 1538, THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

A provision adding $200,000 to the office of the Director of National Intelligence for an Intelligence Training Program run by the Kennedy School of Government. This program was started in fiscal year 2007 but the President did not request funding for it for fiscal year 2008. The provision was added at the request of Senator Rockefeller.

A provision adding $4,500,000 to the Naval Oceanographic Command. This provision was added at the request of Senator Lott.

A provision directing the expenditure of $5,000,000 for a classified effort with the National Reconnaissance Office's GEOINT/SIGINT Integrated Ground Development Engineering and Management Expenditure Center. This provision was added at the request of Senator Rockefeller.

S. 1538 contains no limited tax benefits or limited tariff benefits, as defined in Section 103 of S. 1.

MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 1, 2007, while picnicking near Lake Natoma outside Folsom, CA, Satendar Singh, a 26-year-old from Fiji, was attacked by a man hurling racist and homophobic insults. Singh and his friends, each of either Indian or Fijian descent, were harassed repeatedly for several hours by a nearby group of Russian-speaking men and women. That evening, about six men from that group approached Singh, again insulting Singh and his friends. One of the men struck Singh, causing him to fall to the ground and hit his head. Bleeding profusely, Singh was taken to the hospital. He died 4 days later on July 5, 2007, after his relatives and doctors agreed to take him off of life support. According to his friends, Singh was not gay, but officials maintain that the attack was motivated by the belief on the part of the assailant that he was.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

H. RES. 121

Mr. INOUYE. Mr. President. On June 26, 2007, the Committee on Foreign Affairs of the U.S. House of Representatives met to consider and adopt H. Res. 121. This resolution was authored by Congressman MICHAEL HONDA of San Jose, CA.

H. Res. 121 expresses the sense of the U.S. House of Representatives that the Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Force's coercion of young women into sexual slavery, known to the world as ''comfort women,'' during its colonial and wartime occupation of Asia and the Pacific Islands from the 1930s through the duration of World War II.

There is no doubt in my mind that during the war period the men in the Imperial Armed Forces of the Government of Japan did abuse, assault, and forcibly impose their wills upon women for sexual purposes. This was conduct and behavior that cannot in any way be condoned or justified.

These events, according to H. Res. 121, occurred during the war period of the 1930s and 1940s. Records indicate that on August 31, 1994, as the 50th anniversary of the end of World War II was approaching, then Prime Minister Tomiichi Murayama issued a statement articulating Japan's remorse and apology to comfort women.

His statement says in part, ''on the issue of wartime 'comfort women,' which seriously stained the honor and dignity of many women, I would like to take this opportunity once again to express my profound and sincere remorse and apologies.''

This statement was made in his official capacity as Prime Minister of Japan.

Subsequently, every successive Prime Minister since 1996—Prime Ministers Hashimoto, Obuchi, Mori, and Koizumi—have all issued letters of apologies to individual former comfort women, who have accepted an apology letter along with atonement money offered to her by the Asian Woman's Fund. It should be noted that some former comfort women refused to accept the atonement money.

The Asian Women's Fund was established, sanctioned, and approved by the Government of Japan. The letters addressed to former comfort women were issued by the Prime Ministers of Japan in their official capacity, and recite, ''as Prime Minister of Japan, I thus extend anew my most sincere apologies

and remorse to all the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women.

I believe that our country, painfully aware of its moral responsibilities, with feelings of apology and remorse, should face up squarely to its past history and accurately convey it to future generations.'' Japan's present Prime Minister, Shinzo Abe, in a March 1, 2007, news conference clearly indicated that Japan accepts responsibility and expressly apologized to all its victims.

On March 11, 2007, Prime Minister Abe made the following statement:

> I will stand by the Kono Statement. This is our consistent position. Further, we have been apologizing to those who suffered immeasurable pain and incurable psychological wounds as comfort women. Former Prime Ministers, including Prime Ministers Koizumi and Hashimoto have issued letters to the comfort women. I would like to be clear that I carry the same feeling.

The 1993 Kono statement made by the Chief Cabinet Secretary Yohei Kono stated in part:

> The then Japanese military was, directly or indirectly, involved in the establishment and management of the comfort stations and the transfer of comfort women. . . . The Government of Japan would like to take this opportunity once again to extend its sincere apologies and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical and psychological wounds as comfort women.

During his visit to our Nation's Capitol in April 2007, Prime Minister Abe reconfirmed these sentiments in a meeting with bipartisan leaders of the House and Senate.

Prime Minister Abe also expressed similar statements in a meeting with President Bush. At a joint press conference at Camp David, Abe, when describing his meeting with congressional leaders, said:

> I, as Prime Minister of Japan, expressed my apologies, and also expressed my apologies for the fact that they [comfort women] were placed in that sort of circumstance.

In 1995 and 2005, the Japanese House of Representatives considered and adopted resolutions related to Japan's actions in World War II, including the comfort women issue. The 1995 resolution adopted by Japan's House of Representatives provides in part:

> Solemnly reflecting upon the many instances of colonial rule and acts of aggression that occurred in modern world history, and recognizing that Japan carried out such acts in the past and inflicted suffering on the people of other countries especially in Asia, the Members of this House hereby express deep remorse.

The Asian Women's Fund was established in 1995 with the cooperation of the Government of Japan and the Japanese people. The fund has extended letters of apology and payments, donated by the Japanese people, to 285 former comfort women in the Philippines, the Republic of Korea, and Taiwan. Each of the 285 individuals received 2 million yen, or $17,000. The fund has also implemented medical and welfare projects.

I have taken the time to cite the above because of my concern over the adoption of H. Res. 121, the Honda Resolution.

It should be noted that after World War II, the issue of compensation for Japan's wartime crimes was settled, country by country, by the Treaty of San Francisco with the U.S. and by the relevant peace treaties with other countries. Thus, from a purely legal standpoint, the issue of the comfort women has been settled by treaties of peace.

Several questions come to mind as I read the text of statements made on this matter, and the text of H. Res. 121. For example, what would be required of Japan under H. Res. 121 to ''formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner''?

The statements of apology that I quoted earlier were issued by six Prime Ministers of Japan, each acting and speaking in his official capacity.

I would think that in the world of diplomacy, these words would suffice as official statements.

Another matter that should be noted is that these events occurred in the 1930s and 1940s, and the acknowledgment and apology over the abuse of the comfort women have been made by successive Prime Ministers since 1994.

I can think of many events in our own historic past that deserve an acknowledgement and apology issued by the United States. Nonetheless, our Government has not acknowledged these actions and other countries have not officially reprimanded us because of it.

For example, soon after December 7, 1941, the United States contacted the Governments of Chile and other South American countries and requested that they round up their residents of Japanese ancestry and send them to the United States to be used by the United States in negotiations for the return of American prisoners of war held by Japan.

Many Latin Americans of Japanese descent were arrested, stripped of their passports or visas, and shipped to the United States. Once in the United States, they were treated as illegal aliens, subject to deportation and repatriation.

The internees' vulnerable position under the law basically left their fate in the hands of the State Department and Department of Justice. Those caught in this situation were considered repatriable and thus available for use in hostage exchanges with Japan.

I am happy to report to you that after many years of concern, the Senate Committee on Homeland Security and Governmental Affairs has considered this matter and reported favorably on a measure to study this matter. However, the bill still faces consideration by the full Senate, the House of Representatives, and the White House.

And yet has any country suggested we should ''formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner'' for this matter?

Nor have the legislatures of other nations criticized and accused us for Executive Order 9066, which directed the United States Army to establish 10 concentration camps in various parts of the United States to intern residents of Japanese ancestry. The majority of them were American citizens. As investigations disclosed in later years, their incarceration or internment was based only upon race. No crime had been committed, no act of treason, no act of sabotage.

Consequently, four decades later, the Congress finally acknowledged and apologized for the actions of the U.S. Government in the Civil Rights Act of 1988.

There exist many other such events in our history that could be discussed, but these incidents in particular are of interest because they involve the men and women whose ancestry lies in the nation of Japan.

Regardless of the historical example, the question remains the same: how would the U.S. Government have reacted if the legislature of some other nation had condemned our historical actions in World War II?

Diplomatic protocol among friendly nations and allies calls for consideration and sensitive handling of such matters.

In the case at hand, I respectfully suggest that the Government of Japan, through six of its Prime Ministers, and through two acts considered by its House of Representatives, has issued statements of acknowledgement and apology since 1994.

I would suggest that so many apologies should suffice.

The payment of $17,000 to each survivor may not suffice because no amount of monetary compensation would be sufficient to clear away such memories just as much as the payment of $20,000 to each internee of Japanese ancestry in the United States for years of incarceration by the United States in the concentration camps was not sufficient to wipe away that memory either. Nevertheless, payments have been made and accepted.

As a final matter, it may be interesting to note that a Gallup Poll conducted in February and March 2007 sets forth the following: 74 percent of the general public, and 91 percent of opinion leaders thought of Japan as a dependable ally or friend. 48 percent of the general public, and 53 percent of opinion leaders considered Japan to be the most important U.S. partner in the Asia region, followed by China, which scored 34 percent among the general public, and 38 percent among opinion leaders. 67 percent of the general public, and 86 percent of opinion leaders described U.S. relations with Japan as ''good'' or ''excellent.'' 87 percent of the general public, and 88 percent of opinion leaders supported the maintenance of the Japan-U.S. Security Treaty.

Finally, when asked whether Japan shared common values with the United States, 83 percent of the general public, and 94 percent of opinion leaders agreed. The only country that received a higher score was the United Kingdom, by only 2 percent for each group.

These numbers and responses to the Gallup Poll should suggest our relationship with Japan is excellent. The general public believes it, and our Government has said so as well. Why should we involve ourselves in a legislative act that would jeopardize a relationship as good as we share with Japan?

Is this how we Americans should conduct ourselves with the Japanese, our friends and allies?

HONORING DETECTIVE DAVID RICH

Mr. BAYH. Mr. President, today with a heavy heart and deep sense of gratitude I honor the life of a dedicated State trooper from Indiana. David Rich, 41 years old, died on July 5, 2007, from a gunshot wound he suffered in the line of duty as an Indiana master trooper detective. David risked his life every day to serve and protect Hoosiers in order to make Indiana a better place.

David comes from, and leaves behind, a family devoted to Indiana law enforcement. His father, former Miami County Sheriff and retired State trooper Jim Rich, and his mother Linda, instilled in him a sense of public service and respect for the law. Along with his brother, Indiana State Police Captain Robert Rich, David followed in his father's footsteps, taking the oath to serve and protect. He is also survived by his sister, Kimberly, and three nieces and one nephew.

David was an 18-year veteran of the State police and was well loved by his community. Although a great State trooper, he was best known for his devotion and loyalty to his family. He was a loving husband to Connie and took enormous pride in raising their 7-year-old daughter, Lauren, and 4-year-old twins, Carson and Connor.

His final act exemplified what kind of person David truly was. While off duty, David pulled over to aid a man whom he thought needed help. In a senseless act of violence, David was tragically shot and killed by this man. Even when off duty, David showed his dedication to serve, protect, and help those in need. It is a terrible tragedy that this nonsensical act took the precious life of such an honorable man.

SGT Tony Slocum, who worked with David, said Indiana ''lost a very, very good man,'' and described him as one of the nicest people he has ever met. David would have done anything to help anyone in need ''as he's done here on many occasions at the post,'' Slocum said. ''He might give you the proverbial shirt off his back.''

Today, I join David's family and friends in mourning his death. While we struggle to bear sorrow over this loss, we can also take pride in the example he set, bravely serving to make America a safer place. It is his heroism and strength of character that people will remember when they think of David, a memory that will burn brightly during these continuing days of conflict and grief.

When I think about David's profound commitment to protect and the pain that accompanies the unjust loss of this outstanding trooper, I hope that some comfort can be brought to all the loved ones David left behind through the words of Peter 3:14:

> but even if you should suffer for what is right, you are blessed.

Both David's final altruistic act, as well as his everyday lifestyle, epitomized doing ''what is right.'' May God be with all of you who mourn this tragic loss, as I know He is with David.

It is my sad duty to enter the name of David Rich in the record of the U.S. Senate for his service to the State of Indiana and the United States of America.

TRIBUTE TO VERMONT FROST HEAVES

Mr. LEAHY. Mr. President, I wish to tell my friends in the Senate about the Vermont Frost Heaves, the bumps in the road that we Vermonters are actually proud to claim as our own. Unlike the frost heaves New Englanders have come to know too well under the dented rims of our cars and trucks, these basketball-playing Vermont Frost Heaves are pioneers, superb athletes, role models, and as of this spring, champions of the American Basketball Association.

The Frost Heaves' motto, ''we're going to be their bumps in the road,'' rang true many a winter's evening this year. With an overall record of 34–6 and a league record of 30–6, the Frost Heaves quickly became unfamiliar with losing, energizing Bump the moose, the team's mascot, and thousands of cowbell-ringing fans. Then, on March 29, 2007, while the sap was still running out of sugar bushes, the Frost Heaves charged their way to a triumphant 143-to-95 title victory over the Texas Tycoons, adding an exclamation point to the success of their inaugural season.

From the birth of the Vermont Frost Heaves, founder and owner Alex Wolff found a way to tie Vermonters into the team, captivating fans near and far and promising to be sustainable, local, built to scale, of the community, and embracing the Internet revolution. As a professional journalist found in the pages of Sports Illustrated, Wolff documented his journey growing a championship team with fan participation along the way. The result—a team beloved by Vermont.

Under Wolff's ambitious leadership, and with the permission of his wife Vanessa, the Wolffs created a family-friendly, affordable source of entertainment in central and northern Vermont. With a home schedule split between two of the most historic gymnasiums in the State, the Barre Auditorium and Memorial Auditorium, fans from throughout Vermont had the opportunity to support their team. As the Wolffs explain, ''we wanted to create a legacy for Vermont,'' and that is just what they have done.

After Wolff put the selection of their coach to a worldwide vote, the fans chose coach Will Voigt, a native of Cabot, VT, to be their skipper. Voigt, a three-star athlete before embarking upon a successful coaching career, left a coaching position in Norway to return to the Green Mountains.

The team starred three Vermonters, Kerry Lyons of Milton, Dana Martin of Stowe, and B.J. Robertson of Burlington. Lyons led the Milton High School Yellow Jackets to four Vermont State final fours. He was named Conference Player of the Year and was chosen as an All-State selection. He then attended Lyndon State College where he served as the team captain for 3 years. Lyons returned to Lyndon State after graduation serving as the assistant coach for both the men's and women's basketball teams during the 2000 to 2001 season.

Dana Martin attended Stowe High School and Proctor Academy in New Hampshire and continued on to play basketball for Skidmore College. Martin was the first basketball player from Skidmore to enter the professional ranks, playing in Germany after graduation, where he led his team in scoring with more than 22 points a game. Martin has offered a basketball camp for the past six summers in his hometown of Stowe for elementary school students aspiring to follow in Martin's Frost Heave footsteps.

B.J. Robertson is a graduate of Burlington High School and St. Michael's College, entertaining Vermonters with his pizzazz at both the high school and college levels. He is the all-time leading scorer at Burlington High, a record his brother owned prior to his arrival on the scene. Well known by high school sports aficionados, Robertson was named ''Mr. Basketball'' by the Burlington Free Press his senior year. At St. Michael's, Robertson played in 104 games at the collegiate level, starting 91 of them in 4 years. He consistently was among the leaders on both the offensive and defensive side of the ball for the Purple Knights

Other Frost Heaves players came by way of New York, New Jersey, Maryland, Virginia, Arkansas, Alabama, and even as far as Senegal. Aaron Cook led the Frost Heaves in scoring and minutes played for the inaugural season, averaging 16.3 points on 22 minutes. Kelvin Parker led the team in field goal percentage. Antonio Burks led the team in free throw percentage, completing nearly 83 percent of shots from the foul line. John Bryant led the team in rebounding, with 246 for the season, also leading the team in blocks.

Travarus Bennett led the team in steals, his quick hands averaged 2.6 per game. Markus Austin, Johann Collins, Kevin Mickens, Antoine Hyman, Tyrone Levett, Issa Konare, Melvin Creddle, and Tyrone Barley round out the roster of the championship squad.

The extended Frost Heaves coaching staff includes assistant coaches Wayne Lafley and Marvin Safford; strength and conditioning coach Scott Caulfield; assistant coach and statistician Mark Saltus; and athletic trainer Meggan Robinson. The Frost Heaves staff worked to establish a balance of physical strength and mental toughness in each player.

Today, the sounds of cowbells echoing off the necks of Holsteins grazing in the fields of Vermont instills a bit of excitement in Frost Heaves' fans eagerly awaiting another winter of basketball. I hope my friends in the Senate will joining me in congratulating the Vermont Frost Heaves for a great season and wishing them even more success next winter.

ADDITIONAL STATEMENTS

TRIBUTE TO RAY KUNTZ

• Mr. BAUCUS. Mr. President, the American adventurer, war hero, and 26th President of the United States Teddy Roosevelt once said, ''Far away the best prize that life offers is the chance to work hard at work worth doing.'' And there is no work worth doing more than making sure our Nation's trucking industry runs smooth, and nobody works harder than my good friend Ray Kuntz.

As a fellow Montanan, Ray knows the value of hard work and has always been willing to roll up his sleeves and put in a full day. As the CEO of Watkins & Shepard Trucking, which is based in my hometown of Helena, Ray has helped transform a small business into a thriving enterprise. With more than 700 trucks and drivers and 1,000 employees, Watkins & Shepard has made their mark on the trucking industry. I remember attending the Watkins & Shepard driving school, and I can say firsthand that it was top notch.

Now, Ray will undertake a new challenge, taking the reins of the American Trucking Association as the chairman. Ray is no stranger to the ATA, and he is no stranger to success. As vice-chairman of the ATA, Ray helped to revolutionize the trucking industry. Combining cutting-edge technology and a passion for trucking, Ray helped to launch GetTrucking.com. This innovative Web site used humor, timely information, and eye-grabbing graphics to help recruit new drivers and keep trucking the vanguard of America's transportation industry.

As chairman, Ray will continue to use his drive, his creativity, and his passion to lead the ATA boldly into the 21st century. With his chairmanship, Ray has made the working folks the hallmark of his term. For those of us who know him, this is no surprise. Ray has always remembered his roots and the hard-working men and women he has served along the way.

With Ray at the helm, the ATA is on the path to an even more successful future as the voice of the men and women who are either behind the wheel, or behind the scenes, of the trucking industry.•

125TH ANNIVERSARY OF GRAFTON, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that celebrated its 125th anniversary. On June 21 to 23, the residents of Grafton gathered to celebrate their community's history and founding.

Grafton is a vibrant community in northeastern North Dakota with the Park River running through it. Grafton serves as the county seat of Walsh County. The post office in Grafton was established with Thomas E. Cooper serving as postmaster on May 20, 1879. Cooper named the community after his wife's home of Grafton County, NH. By 1883, the city had 2,000 residents, with Stewart Cairncross serving as the first mayor. Today, Grafton is still one of the larger communities in North Dakota.

Residents of Grafton are proud of their community and what it has to offer. Residents strongly support the youth in the community and enjoy local sports events. Annually, the community hosts a ''Spirit of the Season'' festival, which includes breakfast with Santa, live concerts, horse-drawn wagon rides, and a bonfire in the park.

Grafton residents have been dedicated to increasing the size of the community through economic development. Since implementing this program, the community is now home to Marvin Windows and Doors, a vibrant business that has helped fund incentives for individuals wishing to relocate to Grafton.

The community of Grafton celebrated its 125th anniversary with live music, parades, a demolition derby, and tours of the Heritage Village and the school.

Mr. President, I ask the U.S. Senate to join me in congratulating Grafton, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Grafton and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Grafton that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Grafton has a proud past and a bright future.•

125TH ANNIVERSARY OF DUNSEITH, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 13 to 15, the residents of Dunseith will gather to celebrate their community's history and founding.

Dunseith is a historic community located in north central North Dakota, only 14 miles away from the Canadian border. Founded by Giles Gilbert in 1882, Dunseith was settled by European immigrants and members of the Turtle Mountain Band of Chippewa. In its early years, people were drawn to Dunseith because of the amount of land in the area made available under the Homestead Act.

Just a short distance from Dunseith is the International Peace Garden. Founded in 1932, this 2,339-acre garden along the northern border symbolizes the peace, cooperation, and friendship between the United States and Canada. It is a treasure of more than 150,000 flowers, fountains, a sunken garden, and other notable structures that promote the garden's message of peace.

Dunseith really is, as the residents say, an area undiscovered by the rest of the country. With the beautiful Turtle Mountains just nearby, residents like to spend time hunting, fishing, hiking, biking, and participating in various other outdoor activities.

Today, Dunseith has much to celebrate. Its quasquicentennial celebration is occurring at the same time as the International Peace Garden's 75th anniversary, and it is bound to be a weekend worth taking in. With 450 registered participants already, the guests will enjoy an all-school reunion, parade, art show, all faith service, demolition derby, and much more.

Mr. President, I ask the Senate to join me in congratulating Dunseith, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Dunseith and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Dunseith that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Dunseith has a proud past and a bright future.•

125TH ANNIVERSARY OF PORTLAND, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 20 to 22, the residents of Portland will gather to celebrate their community's history and founding.

The rural community of Portland is located in the beautiful and serene valley of the Goose River. Like so many rural towns in North Dakota, Portland was established by a railroad. The town was named Portland because railroad officials considered it the midway point between Portland, ME, and Portland, OR. In 1883 it was incorporated as

a village. The Dakota territory's first insurance company was chartered in Portland in 1885.

Portland has come a long way since its beginnings in the early 1880s. The town has built a rich heritage of agriculture but has also grown to incorporate technology, manufacturing, and health services. Portland has been described by its citizens as the way America is supposed to be. The MayPort Community Center offers the chance for recreational activities such as ice skating and hockey.

The community of Portland is the ideal location for its residents to grow and prosper together. To celebrate its 125th anniversary, the town will hold several golf tournaments, a parade, comedic acts, and a street dance.

Mr. President, I ask the Senate to join me in congratulating Portland, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Portland and all other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Portland that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Portland has a proud past and a bright future.●

125TH ANNIVERSARY OF ARTHUR, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I recognize a community in North Dakota that will be celebrating its 125th anniversary. On July 13 to 15, the residents of Arthur will gather to celebrate their community's history and founding.

Arthur is a small town in eastern North Dakota with a population of 402. Despite its small size, Arthur holds an important place in North Dakota's history. Originally named Rosedale, the settlement was renamed Arthur in 1881 in honor of Chester Alan Arthur, the 21st President of the United States. The post office was established in 1881, as was the lumber yard and the first general store, the Hall-Larson Store. Arthur was incorporated as a village in 1921.

Today, the economy of Arthur is largely based on agriculture. The Arthur Mercantile, the First State Bank, and the Arthur Companies are family businesses that have been present in the community for over 100 years. This is a remarkable feat for such a small town. The town is also home to the Arthur Center, a notable good samaritan center, which will celebrate its 80th anniversary this summer, and two churches.

Arthur's motto ''small town, big heart'' truly captures the essence of the town and its residents. The people of Arthur enjoy socializing, attending sporting events, and working together for the betterment of the community. The town has an exciting celebration planned that includes an all-school reunion, a parade, a fireman's rodeo, street dance, community worship, and much more.

Mr. President, I ask the Senate to join me in congratulating Arthur, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Arthur and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Arthur that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Arthur has a proud past and a bright future.●

HONORING THE LONE STAR FUGITIVE TASK FORCE

● Mrs. HUTCHISON. Mr. President, I wish to congratulate the Lone Star Fugitive Task Force, LSFTF, for its exemplary service to the Western District of Texas. The LSFTF, which commenced its work in May of 2005, is the principal law enforcement agency responsible for fugitive enforcement in the Western District of Texas. Sponsored by the prestigious U.S. Marshals Service, the LSFTF maintains offices in Alpine, Austin, Del Rio, El Paso, Midland, Pecos, San Antonio, and Waco. Bringing both local and Federal fugitives to justice, the task force continues to serve the public through its unrelenting hard work.

Although the LSFTF has only been in existence for 2 years, it led the Nation in arrests in 2006 and has been recognized as one of the most effective fugitive task forces in the United States. Garnering acclaim across the Nation, the task force has not only protected the citizens of the Texas localities in which it is based but has also helped construct a safer nation as a whole.

The Lone Star Fugitive Task Force's perpetual success in capturing perilous fugitives stems in part from its innovative officer instruction and groundbreaking education in modern fugitive hunting techniques.

Realizing the value of its proximity to the Mexican border, the LSFTF frequently works in tandem with Mexican law enforcement officials in order to promote international security. The organization has earned a stellar reputation among surrounding districts and across international borders for its reliability in dealing with fugitives fleeing across national boundary lines into Mexico.

In April 2006, the resolute task force played an instrumental role in leading Operation FALCON II, a 7-day collaborative effort between law enforcement agencies across the Western United States. The operation was immeasurably successful in apprehending thousands of fugitives, including hundreds which were being sought out for sexual offenses.

In response to its sustained track record of excellence, the Lone Star Fugitive Task Force was selected to host, in September 2006, the National Center for Missing and Exploited Children's, NCMEC, national pilot training program, made possible by the Adam Walsh Child Protection and Safety Act passed earlier that year. Under the guidance of the LSFTF, the program's agenda focused on the improvement of vital skills for U.S. marshals to gain a better understanding of the motives and patterns of sexual offenders. Such an ambitious plan has aided the U.S. Marshal Service in their success in detaining this dangerous variety of criminal.

From its own pioneering methods to its cooperative efforts and rigid style of law enforcement, the LSFTF has made a positive impact on the communities it serves and continues to set a shining example for law enforcement agencies across the country. By doing so, the organization has, in its own modest way, assisted in ensuring the freedom and well-being of Americans across the country.

For these reasons, among many others, I would like to recognize the Lone Star Fugitive Task Force for its tremendous success. By bringing hazardous fugitives to justice and striving to improve the security of the general public, the LSFTF successfully works for the betterment of the communities and the Nation it humbly serves.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED DURING ADJOURNMENT OF THE SENATE

Under the authority of the order of the Senate of January 4, 2007, the following enrolled bills, previously signed by the Speaker of the House, were signed on July 2, 2007, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD):

S. 277. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

S. 1704. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 2, 2007, she had presented to the President of the United States the following enrolled bills:

S. 277. An act to modify the boundaries of Grand Teton National Park to include certain land within the GT Park Subdivision, and for other purposes.

S. 1704. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2418. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's annual report for calendar year 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2419. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cold Treatment Regulations'' (Docket No. APHIS–2006–0050) received on July 9, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2420. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Asian Longhorned Beetle; Removal of Quarantined Area in Illinois'' (Docket No. APHIS–2006–0105) received on July 9, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2421. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Export Certificate for Wood Packaging Material'' (Docket No. APHIS–2006–0122) received on July 9, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2422. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by the Department of the Air Force, case number 04–02; to the Committee on Appropriations.

EC–2423. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of two officers to wear the authorized insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2424. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report relative to the status of significant unresolved issues with the Department's design and construction projects; to the Committee on Armed Services.

EC–2425. A communication from the Director, Education Activity, Department of Defense, transmitting, pursuant to law, a report relative to the results of the Department's public-private competition for Logistics Support in the Domestic Dependent Elementary and Secondary Schools at Fort Knox, Kentucky; to the Committee on Armed Services.

EC–2426. A communication from the Acting Chief, Programs and Legislation Division, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a standard competition of the Central Heat Plant function at Malmstrom Air Force Base; to the Committee on Armed Services.

EC–2427. A communication from the Vice President, National Security Research Division, RAND Corporation, transmitting, pursuant to law, a report entitled ''F–22A Multi-Year Procurement Program: An Assessment of Cost Savings''; to the Committee on Armed Services.

EC–2428. A communication from the Vice President, National Security Research Division, RAND Corporation, transmitting, pursuant to law, a report entitled ''The Thin Green Line: An Assessment of DoD's Readiness and Environmental Protection Initiative to Buffer Installation Encroachment''; to the Committee on Armed Services.

EC–2429. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to the funding of the Cooperative Threat Reduction Program during fiscal year 2007; to the Committee on Armed Services.

EC–2430. A communication from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Nonprocurement Debarment and Suspension'' (RIN0790–AH97) received on July 5, 2007; to the Committee on Armed Services.

EC–2431. A communication from the Director, Education Activity, Department of Defense, transmitting, pursuant to law, a report relative to the results of its public-private competition for bus services in the Domestic Dependent Elementary and Secondary Schools at Camp Lejeune; to the Committee on Armed Services.

EC–2432. A communication from the Acting Assistant Director for Licensing, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Republication of Appendix A to 31 CFR Chapter V'' (5 USC 553) received on July 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

H.R. 835. A bill to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians (Rept. No. 110–126).

By Mr. DORGAN, from the Committee on Appropriations, without amendment:

S. 1751. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2008, and for other purposes (Rept. No. 110–127).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1750. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Finance.

By Mr. DORGAN:

S. 1751. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2008, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. VITTER:

S. 1752. A bill to establish the policy of the United States with respect to deployment of missile defense systems capable of defending allies of the United States against ballistic missile attack; to the Committee on Foreign Relations.

By Mr. HARKIN (for himself and Mr. SMITH):

S. 1753. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the costs of implementing wellness programs, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself and Mr. SMITH):

S. 1754. A bill to amend the Public Health Service Act to provide for a workplace wellness education campaign and an evaluation of employer-based wellness programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 263. A resolution to authorize testimony and legal representation in State of Iowa v. Chester Guinn, Brian David Terrell, Dixie Jenness Webb, Kathleen McQuillen, and Elton Lloyd Davis; considered and agreed to.

By Mr. VITTER:

S. Res. 264. A resolution expressing the sense of the Senate upon the 50-year anniversary of Hurricane Audrey; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. Res. 265. A resolution congratulating the St. Mary's College of Maryland sailing team for winning the 2007 Inter-collegiate Sailing Association (ICSA) Women's National Championship and the 2007 ICSA Team Race National Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 35

At the request of Mr. COLEMAN, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 35, a bill to amend section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 and for other purposes.

S. 41

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 41, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 185

At the request of Mr. SPECTER, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 335

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 399

At the request of Mr. BUNNING, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering

physicians services under the Medicaid program.

S. 456

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 456, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 579

At the request of Mr. REID, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 644

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 644, a bill to amend title 38, United States Code, to recodify as part of that title certain educational assistance programs for members of the reserve components of the Armed Forces, to improve such programs, and for other purposes.

S. 773

At the request of Mr. WARNER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 774

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 774, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 805

At the request of Mr. DURBIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 819

At the request of Mr. DORGAN, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 849

At the request of Mr. CORNYN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 871

At the request of Mr. LIEBERMAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 915

At the request of Mrs. DOLE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 915, a bill to establish a pilot program to provide grants to encourage eligible institutions of higher education to establish and operate pregnant and parenting student services offices for pregnant students, parenting students, prospective parenting students who are anticipating a birth or adoption, and students who are placing or have placed a child for adoption.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 1012

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1177

At the request of Mr. CARPER, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1177, a bill to amend the Clean Air Act to establish a national uniform multiple air pollutant regulatory program for the electric generating sector.

S. 1276

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1276, a bill to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and for other purposes.

S. 1277

At the request of Mr. NELSON of Nebraska, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1277, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the Medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 1337

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1342

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1342, a bill to improve the health of Americans and reduce health care costs by reorienting the Nation's health care system toward prevention, wellness, and self care.

S. 1369

At the request of Ms. COLLINS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1369, a bill to grant immunity from civil liability to any person who voluntarily notifies appropriate security personnel of suspicious activity believed to threaten transportation safety or security or takes reasonable action to mitigate such activity.

S. 1382

At the request of Mr. REID, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1394

At the request of Ms. STABENOW, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1418

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1469

At the request of Mr. HARKIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1469, a bill to require the closure of the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1484

At the request of Mr. ROBERTS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1484, a bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005.

S. 1494

At the request of Mr. DOMENICI, the names of the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. SNOWE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1518

At the request of Mr. REED, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1556

At the request of Mr. SMITH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1556, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1563

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1563, a bill to require the disclosure of certain activities relating to the petroleum industry of Sudan, to increase the penalties for violations of sanctions provisions, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1607

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1607, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1626

At the request of Mr. BAYH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1626, a bill to amend title XIV of the Social Security Act to ensure funding for grants to promote responsible fatherhood and strengthen low-income families, and for other purposes.

S. 1651

At the request of Mr. KENNEDY, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1651, a bill to assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes.

S. 1703

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1703, a bill to prevent and reduce trafficking in persons.

S. 1715

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1715, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program.

S. 1733

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1733, a bill to authorize funds to prevent housing discrimination through the use of nationwide testing, to increase funds for the Fair Housing Initiatives Program, and for other purposes.

S. 1742

At the request of Mr. THUNE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1742, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 1747

At the request of Mr. SPECTER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1747, a bill to regulate the judicial use of presidential signing statements in the interpretation of Act of Congress.

S. 1748

At the request of Mr. COLEMAN, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Indiana (Mr. LUGAR), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1748, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S.J. RES. 4

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S.J. Res. 4, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. RES. 87

At the request of Mr. HAGEL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 87, a resolution expressing the sense of the Senate that the President should declare lung cancer a public health priority and should implement a comprehensive interagency program to reduce the lung cancer mortality rate by at least 50 percent by 2015.

S. RES. 203

At the request of Mr. MENENDEZ, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

S. RES. 215

At the request of Mr. ALLARD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 215, a resolution designating September 25, 2007, as ''National First Responder Appreciation Day''.

AMENDMENT NO. 2000

At the request of Mr. NELSON of Florida, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Arkansas (Mrs. LINCOLN), the Senator from California (Mrs. BOXER) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 2000 intended to be proposed to H.R. 1585, to authorize appropriations for fiscal year 2008 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. CASEY):

S. 1750. A bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Community Cancer Care Preservation Act, which will ensure Medicare beneficiaries' access to community-based cancer treatment and provide Medicare reimbursement assistance for oncologists providing vital cancer care services.

Cancer takes a great toll on our friends, family and our Nation. In the U.S. cancer causes one out of every four deaths. Although the number of cancer diagnoses appears to have plateaued, more than 1.4 million Americans will still find out they have a form of cancer in 2007, and 560,000 will die, keeping cancer the second-leading cause of death in the U.S. In 2005, over 2 million new cases of cancer were diagnosed, the most prevalent of which were breast, prostate, lung, and colorectal.

While these statistics are daunting, according to the American Cancer Society, the number of Americans who died of cancer in 2006 dropped for a second straight year. This decrease is the result of earlier detection and diagnosis, more effective and targeted cancer therapies, and greater accessibility to quality care provided by oncologists. These vital services have allowed millions of individuals to lead healthy and productive lives after successfully battling cancer.

In 2006, 43.2 million individuals were enrolled in Medicare; of those beneficiaries over 29 percent have had cancer during their lives, 12.5 million beneficiaries. With such a large percentage of our seniors facing this horrible disease, the need for access to community cancer care is critical.

Community cancer clinics treat 84 percent of Americans with cancer. Community cancer centers are free-standing outpatient facilities that provide comprehensive cancer care in a physician's office setting and are located in patients' communities. These clinics are especially critical in rural areas where access to larger cancer clinics may not be available. They provide patients with early diagnoses, effective cancer therapies, and innovative and supportive care that reduces fatigue, nausea/vomiting, and pain. The accessibility of treatment in the hands of skilled community oncologists has decreased the cancer mortality rate.

On December 8, 2003, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, MMA, was signed into law by President Bush. This legislation contained numerous provisions that were beneficial to America's seniors and medical facilities; however, it also provided a reduction in Medicare's reimbursement for oncology treatment. The provisions sought to bring a balance to the reimbursement for the cost of cancer drugs and services. Prior to the implementation of the law, the Centers for Medicare & Medicaid Services, CMS, reimbursed the cost of cancer treatment drugs at a very high level. This level provided sufficient funding to supplement the costs of care and the storage of the prescription drugs, which were not being provided adequate reimbursement. The law enacted reimbursement reductions for the cost of prescription drugs while increasing the funding provided for cancer care services; however, that increase did not sufficiently offset oncologists' losses from the reduction in cancer drug reimbursement.

The Congressional Budget Office estimated that Medicare reimbursements to oncologists would be reduced by $4.2 billion from 2004–2013. PricewaterhouseCoopers, an independent auditing firm, estimates that reductions will reach $14.7 billion over that time. This increased reduction will have a debilitating effect on oncologists' ability to provide cancer treatment to Medicare beneficiaries, especially those in the community setting.

For 2005, CMS provided an estimated $300 million in Medicare funding to community cancer clinics via a demonstration project, in part as stop-gap funding for Medicare reimbursement cuts. This funding was reduced to $150 million in 2006 and has been eliminated in 2007. These decreases, in addition to other reductions in services payments, have resulted in a $200–300 million reduction in reimbursement in 2007. However, this reimbursement reduction may be larger than estimated. CMS did not factor in the delay in the adjustment of reimbursement rates when a drug manufacturer increases the price for cancer therapies and the inability of some beneficiaries to pay their Medicare 20 percent coinsurance payment. When accounting for these reductions, the overall cut to cancer care will likely exceed $300–400 million.

The MMA mandated a transitional increase of 32 percent in service fees in 2004, falling to 3 percent in 2005, and 0 percent in 2006. This was done to provide time for CMS to pay for essential unpaid medical services, such as pharmacy facilities and treatment planning. In 2005, CMS created a cancer care demonstration project as a quality enhancement initiative to examine the effects of oncology drugs on patients. This demonstration project also provided $300 million in critical funding because CMS had not increased the reimbursement for essential unpaid medical services. On June 29, 2005, I sent a letter with 38 other Senators to President Bush requesting an extension of the demonstration project through 2006. CMS, however, announced a new oncology demonstration project for 2006 that examines the quality of cancer care in relation to treatment guidelines, but at least $150 million less than the previous funding level.

Accordingly, I am introducing legislation to provide assistance to community oncologists that are disadvantaged by CMS reforms brought forth under the MMA. The bill's $1.7 billion cost, over the next 5 years, is a relatively small cost in the face of the vast reductions in CMS's reimbursement to oncologists. Let me briefly summarize the provisions of this legislation.

1. Sales Price Updates: Currently, CMS updates the prices for cancer treatment drugs quarterly, however there is a 6-month lag from when prices increase in the marketplace and when CMS applies that information to increase reimbursement. For example, a price change in the first quarter will not be reflected until reimbursement in the third quarter. This forces community cancer clinics to often pay increased prices for prescription drugs without increased reimbursement. This legislation requires the sales price for oncology drug reimbursement be updated as changes occur in the price to provide a more accurate reimbursement to oncologists for the cost of drugs every 2 months. This will provide reimbursements to oncologists that are fair and reflective of market costs.

2. Removal of the Prompt Pay Discount: The prompt pay discount is a discount from the pharmaceutical manufacturer to the wholesaler, not the community cancer clinic, for prompt payment on prescription drugs. However, the MMA requires that this prompt pay discount be included in the calculation of average sales price, ASP, which forms the basis for the Medicare drug reimbursement provided, by the manufacturer. This has the impact of lowering ASP, thus artificially lowering drug reimbursement to community cancer clinics. My legislation would remove the prompt pay discount from ASP, requiring CMS to reimburse oncologists at the price they actually pay for drugs without the inclusion of discounts.

3. Increase in Payments for Chemotherapy Administration: The MMA increased the payment for the first hour

of chemotherapy administration by 32 percent on a transitional basis in 2004. The intent of this was to provide an increase in payment for cancer care services that were under-reimbursed but subsidized by overpayments for cancer drugs under the previous system. While the MMA attempted to balance the payment for both drugs and services, including increasing payments to cover the increasing costs of delivering quality cancer care, the 32 percent was temporary and expired at the end of 2004. This legislation re-establishes 2004 levels of reimbursement.

Further, cancer patients can receive multiple hours of chemotherapy and must be constantly monitored by skilled oncology nurses. Payment for the cost of providing quality cancer care must ensure patient safety during the process of administering often toxic medications, which can produce life-threatening side effects. To meet this need, this bill also provides an increase in funding for the subsequent hours of chemotherapy administration at 70 percent of the first hour payment rate.

4. Payments for Oncological Drug Storage: CMS reimbursement for oncology prescription drugs does not provide adequate funding for storage and care needs. The prescription drugs for cancer care often require refrigeration and specialized handling, as some drugs are highly toxic. These special provisions result in an increased cost, which is why my legislation provides a 2 percent increase in drug reimbursement to account for the storage and care of oncology drugs.

5. Oncology Treatment Planning: Oncology treatment planning provides a personalized treatment program for oncology patients. This legislation creates two payment codes for treatment planning: moderate and complex. Radiation oncologists are currently reimbursed for treatment planning; however, medical oncologists, who provide the treatment plan foundation, are not reimbursed for treatment planning.

As both chairman and ranking member of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I have sought to increase funding for the National Institutes of Health, and the National Cancer Institute, NCI. Since becoming chairman of the LHHS Subcommittee, the funding for NIH has increased from $11.3 billion in fiscal year 1996 to $29 billion in 2007, an increase of 157 percent, while funding for the NCI increased from $2.3 billion in fiscal year 1996 to $4.8 billion in 2007, an increase of 109 percent.

In 1970, President Nixon declared war on cancer. Had that war been prosecuted with the same diligence as other wars, my former chief of staff, Carey Lackman, a beautiful young lady of 48, would not have died of breast cancer. One of my very best friends, a very distinguished Federal judge, Chief Judge Edward R. Becker, would not have died of prostate cancer. All of us know people who have been stricken by cancer, who have been incapacitated with Parkinson's or Alzheimer's, who have been victims of heart disease, or many other maladies.

I sustained an episode with Hodgkin's lymphoma cancer 2 years ago. That trauma, that illness, I think, could have been prevented had that war on cancer declared by the President of the United States in 1970 been prosecuted with sufficient intensity.

This legislation provides Medicare reimbursement assistance for community oncologists and ensures Medicare beneficiaries' access to community-based cancer treatment. I encourage my colleagues to work with Senator CASEY and me to move this legislation forward promptly.

By Mr. HARKIN (for himself and Mr. SMITH):

S. 1753. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the costs of implementing wellness programs, and for other purposes; to the Committee on Finance.

Mr. HARKIN. Mr. President, today, culminating many months of consultation with health experts and business, Senator GORDON SMITH and I will introduce the Healthy Workforce Act.

The aim of this bill is to help American businesses to provide a whole range of opportunities for their employees to live healthier lives. The idea is to make it easier for businesses to push more of their health care investments upstream, helping their employees to get healthy an stay healthy, and to stay out of the hospital.

Corporate America traditionally has not been a major player in the field of wellness and disease prevention. But that is rapidly changing as you can tell by the presence of these important business leaders, here, this morning. This is extremely encouraging. Because corporate America has the expertise, the resources, and the enlightened self-interest to make a huge difference in the way we approach health care in this country.

So, in introducing this bill, Senator SMITH and I are making something of a business proposition, a proposal for a partnership. We believe that the Federal Government needs to provide incentives in the form of tax credits and, in return, we want corporate America to step more boldly into the field of wellness and disease prevention.

Here is what the Healthy Workforce Act would do. It would give a 50-percent tax credit to businesses that offer a qualified comprehensive wellness program to their employees. For a company to receive the 50-percent credit, the employee wellness program must include three of the following four components:

First, a health awareness and education component, which could include health risk assessments and screenings.

Second, a behavioral change component, for instance: counseling, seminars, or self-help materials to help employees to lead healthier lifestyles.

Third, a supportive environment component. This might include offering meaningful incentives to participating employees, for example, a reduction in health premiums, or allowing employees to exercise during the workday.

And fourth, creation of an employee engagement committee, which would tailor the wellness program to the needs of the workforce at a particular company.

I am pleased that the Healthy Workforce Act already has the support of the American Heart Association, the Coalition on Catastrophic and Chronic Health Care Costs, and a whole range of other public health groups and others in the business community.

As I said, employee wellness is a matter of enlightened corporate self-interest. Employees who are fit are less likely to call in sick. They have more energy and self-confidence. They are more resistant to stress. They have better attitudes. Obviously, corporate America also has a profound interest in keeping down health insurance costs.

But businesses can't get this job done alone. It is high time for the Federal Government to step up to the plate in a very robust way. And that is exactly what the Healthy Workforce Act is all about.

In conclusion, I just want to emphasize, again, that this bill is the product of a pretty amazing collaboration. There is tremendous expertise and good will in both the business community and in the public health community. Their ideas and input have made this a better bill. And I deeply appreciate their assistance. I look forward to continuing this partnership and working to pass this critically needed legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 263—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF IOWA V. CHESTER GUINN, BRIAN DAVID TERRELL, DIXIE JENNESS WEBB, KATHLEEN McQUILLEN, AND ELTON LLOYD DAVIS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 263

Whereas, in the cases of State of Iowa v. Chester Guinn (SMAC288541), Brian David Terrell (SMAC288544), Dixie Jenness Webb (SMAC288545), Kathleen McQuillen (SMAC288543), and Elton Lloyd Davis (SMAC288539), pending in Iowa District Court for Polk County in Des Moines, Iowa, testimony has been requested from Robert Renaud and Janice Goode, employees in the office of Senator Chuck Grassley;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the

Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Robert Renaud and Janice Goode, are authorized to testify in the cases of State of Iowa v. Chester Guinn, Brian David Terrell, Dixie Jenness Webb, Kathleen McQuillen, and Elton Lloyd Davis, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Robert Renaud and Janice Goode in the actions referenced in section one of this resolution.

SENATE RESOLUTION 264—EXPRESSING THE SENSE OF THE SENATE UPON THE 50-YEAR ANNIVERSARY OF HURRICANE AUDREY

Mr. VITTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 264

Whereas on June 27, 1957, Hurricane Audrey made landfall with winds of 145mph and 12-foot storm surges;

Whereas Hurricane Audrey ranks as the 7th deadliest hurricane to strike the United States in modern record keeping with an estimated 526 lives lost;

Whereas Hurricane Audrey ranks as the 2nd deadliest hurricane to strike Louisiana, only behind Hurricane Katrina in 2005; and

Whereas Hurricane Audrey caused damage in excess of $120,000,000 and destroyed more than 90 percent of the buildings in Cameron and Vermillion Parishes: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life of each individual who died as a result of Hurricane Audrey;

(2) extends its deepest condolences to the victims of this tragic disaster, as well as to their families, friends, and loved ones;

(3) commits to support victims of hurricanes and other natural disasters;

(4) honors and expresses gratitude to members of the Armed Forces, law enforcement personnel, first responders, and others who have bravely and faithfully participated in the rescue, response, and rebuilding of areas affected by Hurricane Audrey; and

(5) declares June 27, 2007, to be a National Day of Remembrance, in commemoration of the 50-year Anniversary of Hurricane Audrey on June 27, 1957.

SENATE RESOLUTION 265—CONGRATULATING THE ST. MARY'S COLLEGE OF MARYLAND SAILING TEAM FOR WINNING THE 2007 INTER-COLLEGIATE SAILING ASSOCIATION (ICSA) WOMEN'S NATIONAL CHAMPIONSHIP AND THE 2007 ICSA TEAM RACE NATIONAL CHAMPIONSHIP

Mr. CARDIN (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 265

Whereas on May 25, 2007, the St. Mary's College of Maryland Lady Seahawks won the 2007 Inter-collegiate Sailing Association (ICSA) Women's National Championship in Norfolk, Virginia;

Whereas the 2007 ICSA Women's National Champions defeated 17 other teams;

Whereas the 2007 ICSA Women's National Champions are Jennifer Chamberlin, Mattie Farrar, Adrienne Patterson, Melissa Pumphrey, and Sara Morgan Watters;

Whereas Adrienne Patterson is the first Lady Seahawk to be named the ICSA Female College Sailor of the Year;

Whereas on May 29, 2007, the St. Mary's College of Maryland Seahawks won the 2007 ICSA Team Race National Championship defeating 13 other teams in Annapolis, Maryland;

Whereas the 2007 victory is the fourth ISCA Team Race National Championship and the second Women's National Championship for the St. Mary's College of Maryland Seahawks;

Whereas the 2007 ICSA Team Race National Champions are Jennifer Chamberlin, Myles Gutenkunst; John Howell, Phelps Kelley, Jesse Kirkland, John Loe, Maggie Lumkes, Meredith Nordhem, and Hilary Wiech; and

Whereas the coaches of the 2007 ICSA Women's National Champions and the 2007 ICSA Team Race National Champions are Adam Werblow and William Ward: Now, therefore, be it

Resolved, That the Senate congratulates the St. Mary's College of Maryland sailing team for winning the 2007 ICSA Women's and Team Race National Championships.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2003. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 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 2004. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2005. Mr. SESSIONS (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2006. Mr. SESSIONS (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2007. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2008. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2009. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2010. Mr. VITTER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2011. Mr. NELSON of Nebraska (for Mr. LEVIN) proposed an amendment to the bill H.R. 1585, supra.

SA 2012. Mr. WEBB (for himself, Mr. HAGEL, Mr. REID, Mr. LEVIN, Mr. DURBIN, Mrs. MURRAY, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. BYRD, Mr. TESTER, Mrs. MCCASKILL, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. HARKIN, Mrs. FEINSTEIN, Mr. BROWN, Mrs. LINCOLN, Mr. PRYOR, Mr. SANDERS, Mrs. BOXER, Ms. KLOBUCHAR, Ms. MIKULSKI, Ms. CANTWELL, Mr. DODD, Mr. AKAKA, Mr. BIDEN, Ms. STABENOW, and Ms. LANDRIEU) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2013. Mr. NELSON of Florida proposed an amendment to amendment SA 2012 proposed by Mr. WEBB (for himself, Mr. HAGEL, Mr. REID, Mr. LEVIN, Mr. DURBIN, Mrs. MURRAY, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. BYRD, Mr. TESTER, Mrs. MCCASKILL, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. HARKIN, Mrs. FEINSTEIN, Mr. BROWN, Mrs. LINCOLN, Mr. PRYOR, Mr. SANDERS, Mrs. BOXER, Ms. KLOBUCHAR, Ms. MIKULSKI, Ms. CANTWELL, Mr. DODD, Mr. AKAKA, Mr. BIDEN, Ms. STABENOW, and Ms. LANDRIEU) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 2014. Mr. HAGEL (for himself, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2015. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2016. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2017. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2018. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2019. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2020. Mr. COLEMAN (for himself, Mr. DEMINT, Mr. THUNE, Mr. INHOFE, Mr. MCCONNELL, Mr. CORNYN , Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2021. Mr. SPECTER (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2022. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2023. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2024. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 2025. Mr. REID (for Mr. LEVIN) proposed an amendment to the bill H.R. 710, to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes.

TEXT OF AMENDMENTS

SA 2003. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 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 XV, add the following:

SEC. 1535. CONSTRUCTION OF PROVISIONS.

No provision of this Act may be construed or interpreted as providing a specific authorization for the President to maintain the presence of United States forces in Iraq.

SA 2004. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 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 XV, add the following:

SEC. 1535. CONTINGENCY PLAN FOR RAPID REDEPLOYMENT AND PLAN FOR PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.

(a) SUBMITTAL OF PLANS TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a comprehensive, current plan for each of the following:

(1) The rapid redeployment of United States forces from Iraq.

(2) The phased redeployment of United States forces from Iraq, with such redeployment to be completed not later than 180 days after its commencement.

(b) PLAN ELEMENTS.—Each plan on redeployment under subsection (a) shall include elements as follows:

(1) A comprehensive description of the redeployment as currently proposed.

(2) A comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq during and after the redeployment.

(3) Plans for United States basing rights in the region after the redeployment.

(4) Plans for United States military access to Iraq to protect United States citizens, personnel, and infrastructure in Iraq during and after the redeployment.

(5) Plans for United States and other allied and international assistance to the Government of Iraq during and after the redeployment to support its security needs (including the training and equipping of Iraqi forces) and its economic and humanitarian needs.

(6) Plans for efforts to prevent a refugee flow from Iraq that would destabilize the region.

(7) An estimate of the costs of replacing United States military equipment left in Iraq after the redeployment, or otherwise depleted, including equipment of the regular components of the Armed Forces and equipment of the National Guard.

(8) An estimate of the costs of the redeployment and of any support of the Government of Iraq after the redeployment.

(c) FORM.—Each plan on a redeployment under subsection (a) shall be submitted in both classified and unclassified form in order to permit the complete articulation of the plan.

SEC. 1536. AVAILABILITY OF FUNDS FOR THE SAFE AND ORDERLY REDUCTION OF UNITED STATES FORCES IN IRAQ.

Notwithstanding any other provision of law, funds appropriated or otherwise made available by any Act are available for obligation and expenditure to plan and execute a safe and orderly reduction of United States forces in Iraq.

SA 2005. Mr. SESSIONS (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 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. 555. AUTHORITY OF THE AIR UNIVERSITY TO CONFER ADDITIONAL ACADEMIC DEGREES.

Section 9317(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(5) The degree of doctor of philosophy in strategic studies upon graduates of the School of Advanced Airpower Studies who fulfill the requirements for that degree in manner consistent with the guidelines of the Department of Education and the principles of the regional accrediting body for Air University.

''(6) The degree of bachelor of applied science in military leadership upon graduates of Air University who fulfill the requirements for that degree in a manner consistent with the guidelines of the Department of Education and the principles of the regional accrediting body for Air University.

''(7) The degree of master of air, space, and cyberspace studies upon graduates of Air University who fulfill the requirements for that degree in a manner consistent with the recommendations of the Department of Education and the principles of the regional accrediting body for Air University.

''(8) The degree of master of flight test engineering science upon graduates of the Air Force Test Pilot School who fulfill the requirements for that degree in a manner consistent with the recommendations of the Department of Education and the principles of the regional accrediting body for Air University.''.

SA 2006. Mr. SESSIONS (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. [ARM07E81]. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL COSTS FOR CERTAIN SELECTED RESERVE MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—Chapter 7 of title 37, United States Code, is amended by inserting after section 408 the following new section:

''§ 408a. Travel and transportation allowances: inactive duty training or unit training assembly outside of commuting distance of duty station

''(a) ALLOWANCE AUTHORIZED.—Under regulations prescribed by the Secretary concerned, if a member of the Selected Reserve who occupies a specialty designated by the Secretary for purposes of this section performs inactive duty training or attends a unit training assembly outside of the commuting limits of the member's station for the purpose of maintaining mission readiness, the Secretary may reimburse the member for travel expenses in an amount not to exceed $300 for the training or assembly.

''(b) DURATION OF AUTHORITY.—Reimbursement may not be provided under this section for travel costs incurred before October 1, 2008, or after December 31, 2014.''.

(b) 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 408 the following new item:

''408a. Travel and transportation allowances: inactive duty training or unit training assembly outside of commuting distance of duty station.''.

SA 2007. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. [ARM07F75]. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.

(a) PROVISION OF SUPPORT.—Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c), by adding at the end the following new paragraphs:

''(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

''(5) Any national or international paralympic sporting event (other than a sporting event described in paragraphs (1) through (4))—

''(A) that—

''(i) is held in the United States or any of its territories or commonwealths;

''(ii) is governed by the International Paralympic Committee; and

''(iii) is sanctioned by the United States Olympic Committee;

''(B) for which participation exceeds 100 amateur athletes; and

''(C) in which at least 25 percent of the athletes participating in the sporting event are

members or former members of the armed forces who are participating in the sporting event based upon an injury or wound incurred in the line of duty in the armed force and veterans who are participating in the sporting event based upon a service-connected disability.''; and

(2) by adding at the end the following new subsection:

''(g) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) shall be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

''(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed $1,000,000.''.

(b) SOURCE OF FUNDS.—Section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note) is amended—

(1) by inserting after ''international sporting competitions'' the following: ''and for support of sporting competitions authorized under section 2564(c)(4) and (5), of title 10, United States Code,''; and

(2) by striking ''45 days'' and inserting ''15 days''.

SA 2008. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. ___. DEFINITION OF MATERIAL SUPPLY FUNCTION.

(a) IN GENERAL.—Section 2460 of title 10, United States Code is amended—

(1) by amending the section heading to read as follows:

''§ 2460. Definitions'';

(2) in subsection (a)—

(A) by striking ''IN GENERAL.—In this chapter'' and inserting ''DEPOT-LEVEL MAINTENANCE AND REPAIR.—(1) In this chapter'';

(B) by striking ''(except as provided in subsection (b))'' and inserting ''(except as provided in paragraph (2))''; and

(C) by striking ''includes (1)'' and all that follows through ''(2) interim contractor support'' and inserting the following: ''includes—

''(A) all aspects of software maintenance classified by the Department of Defense as of July 1, 1995, as depot-level maintenance and repair; and

''(B) interim contractor support'';

(3) by redesignating subsection (b) as paragraph (2);

(4) in paragraph (2), as redesignated by paragraph (3) of this subsection—

(A) by striking ''EXCEPTIONS.—(1) The term does not include the procurement of major modifications'' and inserting ''The term does not include—

''(A) the procurement of major modifications'';

(B) by striking ''aircraft carrier. A major upgrade program covered by this exception could'' and inserting ''aircraft carrier, which could''; and

(C) by striking ''public sector activities.'' and all that follows through ''safety modifications. However, the term does include the installation'' and inserting ''public sector activities; or

''(B) the procurement of parts for safety modifications, but does include the installation''; and

(5) by adding at the end the following new subsection:

''(b) MATERIEL SUPPLY FUNCTION.—In this chapter, the term 'materiel supply function' means the procurement, distribution, and maintenance of items while the items are in storage, but does not include in-process functions involving depot-level maintenance that has begun but has not been completed.''.

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

''2460. Definitions.''.

SA 2009. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 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 III, add the following:

SEC. 358. CONTINUED OPERATIONS OF 36TH RESCUE FLIGHT.

(a) INCREASE IN AMOUNT FOR OPERATION AND MAINTENANCE, AIR FORCE.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby increased by $4,000,000.

(b) AVAILABILITY FOR THE 36TH RESCUE FLIGHT.—Of the amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force, as increased by subsection (a), $4,000,000 may be available for the Air Force unit known as the 36th Rescue Flight that is assigned to Fairchild Air Force Base in Spokane, Washington.

(c) DEACTIVATION PROHIBITED.—The Secretary of Defense shall ensure that no action is taken to deactivate the 36th Rescue Flight or to reassign or reorganize any of the search and rescue capabilities of that unit.

SA 2010. Mr. VITTER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 132. ENHANCEMENT OF FLEET MISSILE DEFENSE CAPABILITIES.

(a) ADDITIONAL AMOUNT FOR ENHANCEMENT OF ATLANTIC FLEET MISSILE DEFENSE CAPABILITIES.—

(1) ADDITIONAL AMOUNT.—The amount authorized to be appropriated by section 102(a)(4) for other procurement for the Navy is hereby increased by $62,000,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 102(a)(4) for other procurement for the Navy, as increased by paragraph (1), the amount available for Program Element 0204228N for DDG Modernization (Project 0900) is hereby increased by $62,000,000, with such amount to be available—

(A) for the procurement of equipment to outfit United States Atlantic Fleet ships with Aegis Ballistic Missile Defense Radar and Weapons System modifications; and

(B) to expand and enhance Navy installation teams to support installation of the modifications described in paragraph (1) into United States Atlantic Fleet vessels commencing in 2010.

(b) ADDITIONAL AMOUNT FOR AEGIS BALLISTIC MISSILE DEFENSE SHIPS.—

(1) ADDITIONAL AMOUNT.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide is hereby increased by $25,000,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, as increased by paragraph (1), $25,000,000 may be available for Ballistic Missile Defense Aegis (Program Element 0603892C) for the enhancement of the capacity of Aegis Ballistic Missile Defense ships to intercept ballistic missiles in the ascent phase.

(c) OFFSET.—The amount authorized to be appropriated by section 1505(4) for research, development, test, and evaluation, Defense-wide activities, is hereby reduced by $87,000,000, with the amount of the reduction to be allocated to funds available for MILSATCOM Terminals (Program Element 0303601F).

SA 2011. Mr. NELSON of Nebraska (for Mr. LEVIN) proposed an amendment to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2008''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Rapid Acquisition Fund.

Subtitle B—Army Programs
Sec. 111. Multiyear procurement authority for M1A2 Abrams System Enhancement Package upgrades.
Sec. 112. Multiyear procurement authority for M2A3/M3A3 Bradley fighting vehicle upgrades.
Sec. 113. Stryker Mobile Gun System.
Sec. 114. Consolidation of Joint Network Node program and Warfighter Information Network–Tactical program into single Army tactical network program.
Subtitle C—Navy Programs
Sec. 131. Multiyear procurement authority for Virginia class submarine program.
Subtitle D—Air Force Programs
Sec. 141. Limitation on retirement of C–130E/H tactical airlift aircraft.
Sec. 142. Limitation on retirement of KC–135E aerial refueling aircraft.
TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
Subtitle A—Authorization of Appropriations
Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.
Subtitle B—Program Requirements, Restrictions, and Limitations
Sec. 211. Advanced Sensor Applications Program.
Sec. 212. Active protection systems.
Sec. 213. Obligation and expenditure of funds for competitive procurement of propulsion system for the Joint Strike Fighter.
Subtitle C—Missile Defense Programs
Sec. 231. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.
Sec. 232. Limitation on availability of funds for deployment of missile defense interceptors in Alaska.
Sec. 233. Budget and acquisition requirements for Missile Defense Agency activities.
Sec. 234. Participation of Director, Operational Test and Evaluation, in missile defense test and evaluation activities.
Sec. 235. Extension of Comptroller General assessments of ballistic missile defense programs.
Subtitle D—Other Matters
Sec. 251. Modification of notice and wait requirement for obligation of funds for foreign comparative test program.
Sec. 252. Modification of cost sharing requirement for Technology Transition Initiative.
Sec. 253. Strategic plan for the Manufacturing Technology Program.
Sec. 254. Modification of authorities on coordination of Defense Experimental Program to Stimulate Competitive Research with similar Federal programs.
Sec. 255. Enhancement of defense nanotechnology research and development program.
TITLE III—OPERATION AND MAINTENANCE
Subtitle A—Authorization of Appropriations
Sec. 301. Operation and maintenance funding.
Subtitle B—Environmental Provisions
Sec. 311. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with the Arctic Surplus Superfund Site, Fairbanks, Alaska.
Sec. 313. Payment to Environmental Protection Agency of stipulated penalties in connection with Jackson Park Housing Complex, Washington.
Subtitle C—Program Requirements, Restrictions, and Limitations
Sec. 321. Availability of funds in Defense Information Systems Agency Working Capital Fund for technology upgrades to Defense Information Systems Network.
Sec. 322. Extension of temporary authority for contract performance of security guard functions.
Sec. 323. Report on incremental cost of early 2007 enhanced deployment.
Sec. 324. Individual body armor.
Subtitle D—Workplace and Depot Issues
Sec. 341. Extension of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 342. Two-year extension of Arsenal Support Demonstration Program.
Subtitle E—Other Matters
Sec. 351. Enhancement of corrosion control and prevention functions within Department of Defense.
Sec. 352. Reimbursement for National Guard support provided to Federal agencies.
Sec. 353. Reauthorization of Aviation Insurance Program.
Sec. 354. Property accountability and disposition of unlawfully obtained property of the Armed Forces.
Sec. 355. Authority to impose reasonable conditions on the payment of full replacement value for claims related to personal property transported at Government expense.
Sec. 356. Authority for individuals to retain combat uniforms issued in connection with contingency operations.
Sec. 357. Modification of requirements on Comptroller General report on the readiness of Army and Marine Corps ground forces.
TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces
Sec. 401. End strengths for active forces.
Subtitle B—Reserve Forces
Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2008 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Subtitle C—Authorization of Appropriations
Sec. 421. Military personnel.
TITLE V—MILITARY PERSONNEL POLICY
Subtitle A—Officer Personnel Policy
Sec. 501. Increase in authorized strengths for Army officers on active duty in the grade of major to meet force structure requirements.
Sec. 502. Increase in authorized strengths for Navy officers on active duty in grades of lieutenant commander, commander, and captain to meet force structure requirements.
Sec. 503. Expansion of exclusion of military permanent professors from strength limitations for officers below general and flag grades.
Sec. 504. Mandatory retirement age for active-duty general and flag officers continued on active duty.
Sec. 505. Authority for reduced mandatory service obligation for initial appointments of officers in critically short health professional specialties.
Sec. 506. Increase in authorized number of permanent professors at the United States Military Academy.
Sec. 507. Expansion of authority for reenlistment of officers in their former enlisted grade.
Sec. 508. Enhanced authority for reserve general and flag officers to serve on active duty.
Sec. 509. Promotion of career military professors of the Navy.
Subtitle B—Enlisted Personnel Policy
Sec. 521. Increase in authorized daily average of number of members in pay grade E–9.
Subtitle C—Reserve Component Management
Sec. 531. Revised designation, structure, and functions of the Reserve Forces Policy Board.
Sec. 532. Charter for the National Guard Bureau.
Sec. 533. Appointment, grade, duties, and retirement of the Chief of the National Guard Bureau.
Sec. 534. Mandatory separation for years of service of Reserve officers in the grade of lieutenant general or vice admiral.
Sec. 535. Increase in period of temporary Federal recognition as officers of the National Guard from six to twelve months.
Subtitle D—Education and Training
Sec. 551. Grade and service credit of commissioned officers in uniformed medical accession programs.
Sec. 552. Expansion of number of academies supportable in any State under STARBASE program.
Sec. 553. Repeal of post-2007–2008 academic year prohibition on phased increase in cadet strength limit at the United States Military Academy.
Sec. 554. Treatment of Southold, Mattituck, and Greenport High Schools, Southold, New York, as single institution for purposes of maintaining a Junior Reserve Officers' Training Corps unit.
Subtitle E—Defense Dependents' Education Matters
Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 562. Impact aid for children with severe disabilities.
Sec. 563. Inclusion of dependents of non-Department of Defense employees employed on Federal property in plan relating to force structure changes, relocation of military units, or base closures and realignments.

Sec. 564. Authority for payment of private boarding school tuition for military dependents in overseas areas not served by Department of Defense dependents' schools.

Subtitle F—Military Justice and Legal Assistance Matters

Sec. 571. Authority of judges of the United States Court of Appeals for the Armed Forces to administer oaths.
Sec. 572. Military legal assistance for Department of Defense civilian employees in areas without access to non-military legal assistance.
Sec. 573. Modification of authorities on senior members of the Judge Advocate Generals' corps.

Subtitle G—Military Family Readiness

Sec. 581. Department of Defense Military Family Readiness Council.
Sec. 582. Department of Defense policy and plans for military family readiness.

Subtitle H—Other Matters

Sec. 591. Enhancement of carryover of accumulated leave for members of the Armed Forces.
Sec. 592. Uniform policy on performances by military bands.
Sec. 593. Waiver of time limitations on award of Medals of Honor to certain members of the Army.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2008 increase in military basic pay.
Sec. 602. Allowance for participation of Reserves in electronic screening.
Sec. 603. Midmonth payment of basic pay for contributions of members participating in Thrift Savings Plan.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers of the Armed Forces.
Sec. 616. Increase in dental officer additional special pay.
Sec. 617. Enhancement of hardship duty pay.
Sec. 618. Inclusion of service as off-cycle crewmember of multi-crewed ship in sea duty for career sea pay.
Sec. 619. Modification of reenlistment bonus for members of the Selected Reserve.
Sec. 620. Increase in years of commissioned service covered by agreements for nuclear-qualified officers extending periods of active duty.
Sec. 621. Authority to waive 25-year active duty limit for retention bonus for critical military skills with respect to certain members.
Sec. 622. Codification and improvement of authority to pay bonus to encourage members of the Army to refer other persons for enlistment in the Army.
Sec. 623. Authority to pay bonus to encourage Department of Defense personnel to refer other persons for appointment as officers to serve in health professions.
Sec. 624. Accession bonus for participants in Armed Forces Health Professions Scholarship and Financial Assistance program.

Subtitle C—Travel and Transportation Allowances

Sec. 641. Payment of expenses of travel to the United States for obstetrical purposes of dependents located in very remote locations outside the United States.
Sec. 642. Payment of moving expenses for Junior Reserve Officers' Training Corps instructors in hard-to-fill positions.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 651. Modification of scheme for payment of death gratuity payable with respect to members of the Armed Forces.
Sec. 652. Annuities for guardians or caretakers of dependent children under Survivor Benefit Plan.
Sec. 653. Expansion of combat-related special compensation eligibility for chapter 61 military retirees.
Sec. 654. Clarification of application of retired pay multiplier percentage to members of the uniformed services with over 30 years of service.
Sec. 655. Commencement of receipt of nonregular service retired pay by members of the Ready Reserve on active Federal status or active duty for significant periods.

Subtitle E—Education Benefits

Sec. 671. Tuition assistance for off-duty training or education.
Sec. 672. Expansion of Selected Reserve education loan repayment program.

Subtitle F—Other Matters

Sec. 681. Enhancement of authorities on income replacement payments for Reserves experiencing extended and frequent mobilization for active-duty service.
Sec. 682. Overseas naturalization of military family members.

TITLE VII—HEALTH CARE PROVISIONS

Sec. 701. Inclusion of TRICARE retail pharmacy program in Federal procurement of pharmaceuticals.
Sec. 702. Surveys on continued viability of TRICARE Standard and TRICARE Extra.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Sec. 801. Substantial savings under multiyear contracts.
Sec. 802. Changes to Milestone B certifications.
Sec. 803. Comptroller General report on Department of Defense organization and structure for major defense acquisition programs.
Sec. 804. Investment strategy for major defense acquisition programs.
Sec. 805. Report on implementation of recommendations on total ownership cost for major weapon systems.

Subtitle B—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

Sec. 821. Enhanced competition requirements for task and delivery order contracts.
Sec. 822. Clarification of rules regarding the procurement of commercial items.
Sec. 823. Clarification of rules regarding the procurement of commercial services.
Sec. 824. Modification of competition requirements for purchases from Federal Prison Industries.
Sec. 825. Five-year extension of authority to carry out certain prototype projects.
Sec. 826. Multiyear procurement authority for electricity from renewable energy sources.

Subtitle C—Acquisition Policy and Management

Sec. 841. Joint Requirements Oversight Council.
Sec. 842. Management structure for the procurement of contract services.
Sec. 843. Specification of amounts requested for procurement of contract services.
Sec. 844. Department of Defense Acquisition Workforce Development Fund.
Sec. 845. Inventories and reviews of contracts for services based on cost or time of performance.
Sec. 846. Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.

Subtitle D—Department of Defense Contractor Matters

Sec. 861. Protection for contractor employees from reprisal for disclosure of certain information.
Sec. 862. Requirements for defense contractors relating to certain former Department of Defense officials.
Sec. 863. Report on contractor ethics programs of major defense contractors.
Sec. 864. Report on Department of Defense contracting with contractors or subcontractors employing members of the Selected Reserve.

Subtitle E—Other Matters

Sec. 871. Contractors performing private security functions in areas of combat operations.
Sec. 872. Enhanced authority to acquire products and services produced in Iraq and Afghanistan.
Sec. 873. Defense Science Board review of Department of Defense policies and procedures for the acquisition of information technology.
Sec. 874. Enhancement and extension of acquisition authority for the unified combatant command for joint warfighting experimentation.
Sec. 875. Repeal of requirement for identification of essential military items and military system essential item breakout list.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Repeal of limitation on major Department of Defense headquarters activities personnel.
Sec. 902. Chief management officers of the Department of Defense.

Sec. 903. Modification of background requirement of individuals appointed as Under Secretary of Defense for Acquisition, Technology, and Logistics.
Sec. 904. Department of Defense Board of Actuaries.
Sec. 905. Assistant Secretaries of the military departments for acquisition matters; principal military deputies.
Sec. 906. Flexible authority for number of Army Deputy Chiefs of Staff and Assistant Chiefs of Staff.
Sec. 907. Sense of Congress on term of office of the Director of Operational Test and Evaluation.

Subtitle B—Space Matters

Sec. 921. Space posture review.
Sec. 922. Additional report on oversight of acquisition for defense space programs.

Subtitle C—Other Matters

Sec. 931. Department of Defense consideration of effect of climate change on Department facilities, capabilities, and missions.
Sec. 932. Board of Regents for the Uniformed Services University of the Health Sciences.
Sec. 933. United States Military Cancer Institute.
Sec. 934. Western Hemisphere Center for Excellence in Human Rights.
Sec. 935. Inclusion of commanders of Western Hemisphere combatant commands in Board of Visitors of Western Hemisphere Institute for Security Cooperation.
Sec. 936. Comptroller General assessment of proposed reorganization of the office of the Under Secretary of Defense for Policy.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Authorization of additional emergency supplemental appropriations for fiscal year 2007.
Sec. 1003. Modification of fiscal year 2007 general transfer authority.
Sec. 1004. United States contribution to NATO common-funded budgets in fiscal year 2008.
Sec. 1005. Financial management transformation initiative for the Defense Agencies.
Sec. 1006. Repeal of requirement for two-year budget cycle for the Department of Defense.
Sec. 1007. Extension of period for transfer of funds to Foreign Currency Fluctuations, Defense account.

Subtitle B—Counter-Drug Activities

Sec. 1011. Expansion of Department of Defense authority to provide support for counter-drug activities to certain additional foreign governments.

Subtitle C—Miscellaneous Authorities and Limitations

Sec. 1021. Enhancement of authority to pay rewards for assistance in combating terrorism.
Sec. 1022. Repeal of modification of authorities relating to the use of the Armed Forces in major public emergencies.
Sec. 1023. Procedures for Combatant Status Review Tribunals; modification of military commission authorities.
Sec. 1024. Gift acceptance authority.
Sec. 1025. Expansion of cooperative agreement authority for management of cultural resources.
Sec. 1026. Minimum annual purchase amounts for airlift from carriers participating in the Civil Reserve Air Fleet.
Sec. 1027. Provision of Air Force support and services to foreign military and state aircraft.
Sec. 1028. Participation in Strategic Airlift Capability Partnership.
Sec. 1029. Responsibility of the Air Force for fixed-wing support of Army intra-theater logistics.
Sec. 1030. Prohibition on sale of parts for F–14 fighter aircraft.

Subtitle D—Reports

Sec. 1041. Renewal of submittal of plans for prompt global strike capability.
Sec. 1042. Report on threats to the United States from ungoverned areas.
Sec. 1043. Study on national security interagency system.

Subtitle E—Other Matters

Sec. 1061. Revised nuclear posture review.
Sec. 1062. Termination of Commission on the Implementation of the New Strategic Posture of the United States.
Sec. 1063. Communications with the Committees on Armed Services of the Senate and the House of Representatives.
Sec. 1064. Repeal of standards for disqualification from issuance of security clearances by the Department of Defense.
Sec. 1065. Advisory panel on Department of Defense capabilities for support of civil authorities after certain incidents.
Sec. 1066. Sense of Congress on the Western Hemisphere Institute for Security Cooperation.
Sec. 1067. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 1068. Establishment of National Foreign Language Coordination Council.
Sec. 1069. Qualifications for public aircraft status of aircraft under contract with the Armed Forces.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Compensation of Federal wage system employees for certain travel hours.
Sec. 1102. Retirement service credit for service as cadet or midshipman at a military service academy.
Sec. 1103. Continuation of life insurance coverage for Federal employees called to active duty.
Sec. 1104. Department of Defense National Security Personnel System.
Sec. 1105. Authority to waive limitation on premium pay for Federal civilian employees working overseas under areas of United States Central Command.
Sec. 1106. Authority for inclusion of certain Office of Defense Research and Engineering positions in experimental personnel program for scientific and technical personnel.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Authority to equip and train foreign personnel to assist in accounting for missing United States personnel.
Sec. 1202. Extension and enhancement of authority for security and stabilization assistance.
Sec. 1203. Commanders' Emergency Response Program.
Sec. 1204. Government Accountability Office report on Global Peace Operations Initiative.

Subtitle B—Other Authorities and Limitations

Sec. 1211. Cooperative opportunities documents under cooperative research and development agreements with NATO organizations and other allied and friendly foreign countries.
Sec. 1212. Extension and expansion of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1213. Acceptance of funds from the Government of Palau for costs of military Civic Action Teams.
Sec. 1214. Extension of participation of the Department of Defense in multinational military centers of excellence.
Sec. 1215. Limitation on assistance to the Government of Thailand.
Sec. 1216. Presidential report on policy objectives and United States strategy regarding Iran.
Sec. 1217. Limitation on availability of certain funds pending implementation of requirements regarding North Korea.

Subtitle C—Reports

Sec. 1231. Reports on United States policy and military operations in Afghanistan.
Sec. 1232. Strategy for enhancing security in Afghanistan by eliminating safe havens for violent extremists in Pakistan.
Sec. 1233. One-year extension of update on report on claims relating to the bombing of the Labelle Discotheque.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Specification of Cooperative Threat Reduction programs in states outside the former Soviet Union.
Sec. 1304. Modification of authority to use Cooperative Threat Reduction funds outside the former Soviet Union.
Sec. 1305. Repeal of restrictions on assistance to states of the former Soviet Union for cooperative threat reduction.
Sec. 1306. National Academy of Sciences study of prevention of proliferation of biological weapons.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical Agents and Munitions Destruction, Defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.
Sec. 1407. Reduction in certain authorizations due to savings from lower inflation.

Subtitle B—National Defense Stockpile

Sec. 1411. Disposal of ferromanganese.
Sec. 1412. Disposal of chrome metal.

Sec. 1413. Modification of receipt objectives for previously authorized disposals from the national defense stockpile.

Subtitle C—Civil Programs

Sec. 1421. Armed Forces Retirement Home.

Subtitle D—Chemical Demilitarization Matters

Sec. 1431. Modification of termination requirement for Chemical Demilitarization Citizens' Advisory Commissions.
Sec. 1432. Repeal of certain qualifications requirement for director of chemical demilitarization management organization.
Sec. 1433. Sense of Congress on completion of destruction of United States chemical weapons stockpile.

TITLE XV—OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Subtitle A—Authorization of Additional War-Related Appropriations

Sec. 1501. Army procurement.
Sec. 1502. Navy and Marine Corps procurement.
Sec. 1503. Air Force procurement.
Sec. 1504. Defense-wide activities procurement.
Sec. 1505. Research, development, test, and evaluation.
Sec. 1506. Operation and maintenance.
Sec. 1507. Military personnel.
Sec. 1508. Defense Health Program.
Sec. 1509. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1510. Joint Improvised Explosive Device Defeat Fund.
Sec. 1511. Iraq Security Forces Fund.
Sec. 1512. Afghanistan Security Forces Fund.
Sec. 1513. Iraq Freedom Fund.
Sec. 1514. Defense Working Capital Funds.
Sec. 1515. National Defense Sealift Fund.
Sec. 1516. Defense Inspector General.

Subtitle B—General Provisions Relating to Authorizations

Sec. 1521. Purpose.
Sec. 1522. Treatment as additional authorizations.
Sec. 1523. Special transfer authority.

Subtitle C—Other Matters

Sec. 1531. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1532. Reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1533. Logistical support for coalition forces supporting operations in Iraq and Afghanistan.
Sec. 1534. Competition for procurement of small arms supplied to Iraq and Afghanistan.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Termination of authority to carry out fiscal year 2007 Army projects for which funds were not appropriated.
Sec. 2106. Modification of authority to carry out certain fiscal year 2006 project.
Sec. 2107. Extension of authorizations of certain fiscal year 2005 project.
Sec. 2108. Technical amendments to the Military Construction Authorization Act for 2007.
Sec. 2109. Ground lease, SOUTHCOM Headquarters Facility, Miami-Doral, Florida.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Termination of authority to carry out fiscal year 2007 Navy projects for which funds were not appropriated.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Termination of authority to carry out fiscal year 2007 Air Force projects for which funds were not appropriated.
Sec. 2306. Modification of authority to carry out certain fiscal year 2006 project.
Sec. 2307. Extension of authorizations of certain fiscal year 2005 projects.
Sec. 2308. Extension of authorizations of certain fiscal year 2004 projects.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Termination or modification of authority to carry out certain fiscal year 2007 Defense Agencies projects.
Sec. 2405. Extension of authorizations of certain fiscal year 2005 projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, Guard and Reserve.
Sec. 2607. Termination of authority to carry out fiscal year 2007 Guard and Reserve projects for which funds were not appropriated.
Sec. 2608. Modification of authority to carry out fiscal year 2006 Air Force Reserve construction and acquisition projects.
Sec. 2609. Extension of authorizations of certain fiscal year 2005 projects.
Sec. 2610. Extension of authorizations of certain fiscal year 2004 projects.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2704. Authorized cost and scope of work variations.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Effective Date and Expiration of Authorizations

Sec. 2801. Effective Date.
Sec. 2802. Expiration of authorizations and amounts required to be specified by law.

Subtitle B—Military Construction Program and Military Family Housing Changes

Sec. 2811. General military construction transfer authority.
Sec. 2812. Modifications of authority to lease military family housing.
Sec. 2813. Increase in thresholds for unspecified minor military construction projects.
Sec. 2814. Modification and extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2815. Temporary authority to support revitalization of Department of Defense laboratories through unspecified minor military construction projects.
Sec. 2816. Two-year extension of temporary program to use minor military construction authority for construction of child development centers.
Sec. 2817. Extension of authority to accept equalization payments for facility exchanges.

Subtitle C—Real Property and Facilities Administration

Sec. 2831. Requirement to report transactions resulting in annual costs of more than $750,000.
Sec. 2832. Modification of authority to lease non-excess property.
Sec. 2833. Enhanced flexibility to create or expand buffer zones.
Sec. 2834. Reports on Army and Marine Corps operational ranges.
Sec. 2835. Consolidation of real property provisions without substantive change.

Subtitle D—Base Closure and Realignment

Sec. 2841. Niagara Air Reserve Base, New York, basing report.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance, Lynn Haven Fuel Depot, Lynn Haven, Florida.
Sec. 2852. Modification to land conveyance authority, Fort Bragg, North Carolina.
Sec. 2853. Transfer of administrative jurisdiction, GSA property, Springfield, Virginia.

Subtitle F—Other Matters
Sec. 2861. Report on condition of schools under jurisdiction of Department of Defense Education Activity.
Sec. 2862. Repeal of requirement for study and report on impact to military readiness of proposed land management changes on public lands in Utah.
Sec. 2863. Additional project in Rhode Island.
TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS
Sec. 2901. Authorized war-related Army construction and land acquisition projects.
Sec. 2902. Authorization of war-related military construction appropriations, Army.
DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS
TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
Subtitle A—National Security Programs Authorizations
Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Subtitle B—Program Authorizations, Restrictions, and Limitations
Sec. 3111. Reliable Replacement Warhead program.
Sec. 3112. Limitation on availability of funds for Fissile Materials Disposition program.
Sec. 3113. Modification of limitations on availability of funds for Waste Treatment and Immobilization Plant.
Subtitle C—Other Matters
Sec. 3121. Nuclear test readiness.
Sec. 3122. Sense of Congress on the nuclear nonproliferation policy of the United States and the Reliable Replacement Warhead program.
Sec. 3123. Report on status of environmental management initiatives to accelerate the reduction of environmental risks and challenges posed by the legacy of the Cold War.
Sec. 3124. Comptroller General report on Department of Energy protective force management.
Sec. 3125. Technical amendments.
TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD
Sec. 3201. Authorization.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Army as follows:

(1) For aircraft, $5,229,175,000.

(2) For missiles, $2,178,102,000.

(3) For weapons and tracked combat vehicles, $7,546,684,000.

(4) For ammunition, $2,228,976,000.

(5) For other procurement, $15,013,155,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Navy as follows:

(1) For aircraft, $13,475,107,000.

(2) For weapons, including missiles and torpedoes, $3,078,387,000.

(3) For shipbuilding and conversion, $13,605,638,000.

(4) For other procurement, $5,432,412,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Marine Corps in the amount of $2,699,057,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement of ammunition for the Navy and the Marine Corps in the amount of $926,597,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Air Force as follows:

(1) For aircraft, $12,593,813,000.

(2) For ammunition, $868,917,000.

(3) For missiles, $5,166,002,000.

(4) For other procurement, $16,312,962,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2008 for Defense-wide procurement in the amount of $3,385,970,000.

SEC. 105. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Rapid Acquisition Fund in the amount of $100,000,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR M1A2 ABRAMS SYSTEM ENHANCEMENT PACKAGE UPGRADES.

The Secretary of the Army, in accordance with section 2306b of title 10, United States Code, may enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of M1A2 Abrams System Enhancement Package upgrades.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR M2A3/M3A3 BRADLEY FIGHTING VEHICLE UPGRADES.

The Secretary of the Army, in accordance with section 2306b of title 10, United States Code, may enter into a multiyear contract, beginning with the fiscal year 2008 program year, for procurement of M2A3/M3A3 Bradley fighting vehicle upgrades.

SEC. 113. STRYKER MOBILE GUN SYSTEM.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—None of the amounts authorized to be appropriated by sections 101(3) and 1501(3) for procurement of weapons and tracked combat vehicles for the Army may be obligated or expended for purposes of the procurement of the Stryker Mobile Gun System until 30 days after the date on which the Secretary of the Army certifies to Congress that the Stryker Mobile Gun System is operationally effective, suitable, and survivable for its anticipated deployment missions.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary—

(1) determines that further procurement of the Stryker Mobile Gun System utilizing amounts referred to in subsection (a) is in the national security interest of the United States notwithstanding the inability of the Secretary of the Army to make the certification required by that subsection; and

(2) submits to the Congress, in writing , a notification of the waiver together with a discussion of—

(A) the reasons for the determination described in paragraph (1); and

(B) the actions that will be taken to mitigate any deficiencies that cause the Stryker Mobile Gun System not to be operationally effective, suitable, or survivable, as that case may be, as described in subsection (a).

SEC. 114. CONSOLIDATION OF JOINT NETWORK NODE PROGRAM AND WARFIGHTER INFORMATION NETWORK–TACTICAL PROGRAM INTO SINGLE ARMY TACTICAL NETWORK PROGRAM.

(a) CONSOLIDATION REQUIRED.—The Secretary of the Army shall consolidate the Joint Network Node program and the Warfighter Information Network–Tactical program into a single Army tactical network program.

(b) REPORT ON CONSOLIDATION.—

(1) REPORT REQUIRED.—Not later than December 31, 2007, the Secretary shall, with the concurrence of the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Assistant Secretary of Defense for Networks and Information Integration, submit to the congressional defense committees a report setting forth a plan to consolidate the Joint Network Node program and the Warfighter Information Network–Tactical program into a single Army tactical network program as required by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include with respect to the acquisition of the single Army tactical network required by subsection (a) the following:

(A) An analysis of how the systems specified in paragraph (1) will be integrated, including—

(i) an analysis of whether there are opportunities to leverage technologies and equipment from the Warfighter Information Network–Tactical program as part of the continuing development and fielding of the Joint Network Node; and

(ii) an analysis of major technical challenges of integrating the two programs.

(B) A description of the extent to which components of the systems could be used together as elements of a single Army tactical network.

(C) A description of the strategy of the Army for completing the systems engineering necessary to ensure the end-to-end interoperability of a single Army tactical network as described in subsection (a).

(D) An assessment of the costs of acquiring the systems.

(E) An assessment of the technical compatibility of the systems.

(F) A description and assessment of the plans of the Army relating to ownership of the technical data packages for the systems, and an assessment of the capacity of the industrial base to support Army needs.

(G) A description of the plans and schedule of the Army for fielding the systems, and a description of the associated training schedule.

(H) A description of the plans of the Army for sustaining the single Army tactical network.

(I) A description of the plans of the Army for the insertion of new technology into the Joint Network Node.

(J) A description of the major technical challenges of integrating the two programs.

(K) An assessment as to whether other programs should be inserted into the single Army tactical network as required by subsection (a).

(L) An analysis of the interoperability requirements between the Army tactical network and the Joint Network Node, an assessment of the technological barriers to achievement of such interoperability requirements, and a description of formal mechanisms of coordination between the Army tactical network and the Joint Network Node program.

Subtitle C—Navy Programs

SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.

(a) AUTHORITY.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts, beginning with the fiscal year 2009 program year, for the procurement of Virginia-class submarines and government-furnished equipment.

(b) LIMITATION.—The Secretary of the Navy may not enter into a contract authorized by subsection (a) until 30 days after the date on which the Secretary submits to the congressional defense committees a certification that the Secretary has made each of the findings with respect to such contract specified in subsection (a) of section 2306b of title 10, United States Code.

Subtitle D—Air Force Programs

SEC. 141. LIMITATION ON RETIREMENT OF C–130E/H TACTICAL AIRLIFT AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may not retire C–130E/H tactical airlift aircraft during fiscal year 2008.

(b) MAINTENANCE OF CERTAIN RETIRED AIRCRAFT.—The Secretary of the Air Force shall maintain each C–130E/H tactical airlift aircraft retired during fiscal year 2007 in a condition that will permit recall of such aircraft to future service.

SEC. 142. LIMITATION ON RETIREMENT OF KC–135E AERIAL REFUELING AIRCRAFT.

The Secretary of the Air Force shall not retire any KC–135E aerial refueling aircraft of the Air Force in fiscal year 2008 unless the Secretary provides written notification of such retirement to the congressional defense committees in accordance with established procedures.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $11,268,904,000.

(2) For the Navy, $16,296,395,000.

(3) For the Air Force, $25,581,989,000.

(4) For Defense-wide activities, $21,511,739,000, of which $180,264,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2008.—Of the amounts authorized to be appropriated by section 201, $11,204,784,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in program elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ADVANCED SENSOR APPLICATIONS PROGRAM.

(a) TRANSFER OF FUNDS.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, and made available for the Foreign Material Acquisition and Exploitation Program and for activities of the Office of Special Technology, an aggregate of $20,000,000 shall be transferred to the Advanced Sensor Applications Program not later than 60 days after the date of the enactment of this Act.

(b) REASSIGNMENT OF PROGRAM.—Beginning not later than 30 days after the date of the enactment of this Act, the Advanced Sensor Applications Program shall be a program of the Defense Threat Reduction Agency, managed by the Director of the Defense Threat Reduction Agency, and shall be executed by the Program Executive Officer for Aviation for the Navy working for the Director of the Defense Threat Reduction Agency.

SEC. 212. ACTIVE PROTECTION SYSTEMS.

(a) COMPARATIVE TESTS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall undertake comparative tests, including live-fire tests, of appropriate foreign and domestic active protection systems in order—

(A) to determine the effectiveness of such systems; and

(B) to develop information useful in the consideration of the adoption of such systems in defense acquisition programs.

(2) REPORTS.—Not later than March 1 of each of 2008 and 2009, the Secretary shall submit to the congressional defense committees a report on the results of the tests undertaken under paragraph (1) as of the date of such report.

(b) COMPREHENSIVE ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary shall undertake a comprehensive assessment of active protection systems in order to develop information useful in the development of joint active protection systems and other defense programs.

(2) ELEMENTS.—The assessment under paragraph (1) shall include—

(A) an identification of the potential merits and operational costs of the use of active protection systems by United States military forces;

(B) a characterization of the threats that use of active protection systems by potential adversaries would pose to United States military forces and weapons;

(C) an identification and assessment of countermeasures to active protection systems;

(D) an analysis of collateral damage potential of active protection systems;

(E) an identification and assessment of emerging direct-fire and top-attack threats to defense systems that could potentially deploy active protection systems; and

(F) an identification and assessment of critical technology elements of active protection systems.

(3) REPORT.—Not later than December 31, 2008, the Secretary shall submit to the congressional defense committees a report on the assessment under paragraph (1).

SEC. 213. OBLIGATION AND EXPENDITURE OF FUNDS FOR COMPETITIVE PROCUREMENT OF PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER.

Within amount authorized to be appropriated for fiscal years after fiscal year 2007 for procurement, and for research, development, test, and evaluation, for the Joint Strike Fighter Program, the Secretary of Defense shall ensure the obligation and expenditure of sufficient amounts each such fiscal year for the continued development and procurement of two options for the propulsion system for the Joint Strike Fighter in order to assure the competitive development and eventual production for the propulsion system for a Joint Strike Fighter aircraft, thereby giving a choice of engine to the growing number of nations expressing interest in procuring such aircraft.

Subtitle C—Missile Defense Programs

SEC. 231. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) GENERAL LIMITATION.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of a long-range missile defense system in Europe until the following conditions have been met:

(1) The governments of the countries in which major components of such missile defense system (including interceptors and associated radars) are proposed to be deployed have each given final approval to any missile defense agreements negotiated between such governments and the United States Government concerning the proposed deployment of such components in their countries.

(2) 45 days have elapsed following the receipt by Congress of the report required under subsection (c)(6).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act may be obligated or expended for the acquisition or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner.

(c) REPORT ON INDEPENDENT ASSESSMENT FOR BALLISTIC MISSILE DEFENSE IN EUROPE.—

(1) INDEPENDENT ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall select a federally funded research and development center to conduct an independent assessment of options for ballistic missile defense for forward deployed forces of the United States and its allies in Europe.

(2) ISSUES TO BE ASSESSED.—In carrying out the assessment described in paragraph (1), the federally funded research and development center selected under that paragraph shall consider the following in connection with options for missile defense in Europe:

(A) The threat to Europe of ballistic missiles (including short-range, medium-range, intermediate-range, and long-range ballistic missiles) from Iran and from other nations (except Russia), including the likelihood and timing of such threats.

(B) The missile defense capabilities appropriate to meet current, near-term, and mid-term ballistic missile threats facing Europe during the period from 2008 through 2015.

(C) Alternative options for defending the European territory of members of the North Atlantic Treaty Organization against the threats described in subparagraph (B).

(D) The utility and cost-effectiveness of providing ballistic missile defense of the United States with a system located in Europe, if warranted by the threat, when compared with the provision of such defense through the deployment of additional ballistic missile defense in the United States.

(E) The views of European members of the North Atlantic Treaty Organization on the desirability of ballistic missile defenses for the European territory of such nations.

(F) Potential opportunities for participation by the Government of Russia in a European missile defense system.

(3) TECHNOLOGIES TO BE CONSIDERED.—In conducting the assessment described in paragraph (1), the federally funded research and development center selected under that paragraph shall consider, but not be limited

to, the following missile defense technology options:

(A) The Patriot PAC–3 system.

(B) The Medium Extended Air Defense System.

(C) The Aegis Ballistic Missile Defense system, with all variants of the Standard Missile-3 interceptor.

(D) The Terminal High Altitude Area Defense (THAAD) system.

(E) The proposed deployment of Ground-based Midcourse Defense (GMD) system elements in Europe, consisting of the proposed 2-stage Orbital Boost Vehicle interceptor, and the proposed European Midcourse X-band radar.

(F) Forward-Based X-band Transportable (FBX–T) radars.

(G) Other non-United States, North Atlantic Treaty Organization missile defense systems.

(4) FACTORS TO BE CONSIDERED.—In conducting the assessment described in paragraph (1), the federally funded research and development center selected under that paragraph shall consider the following factors with respect to potential ballistic missile defense options:

(A) The missile defense needs of the European members of the North Atlantic Treaty Organization, including forward deployed United States forces, with respect to current, near-term, and mid-term ballistic missile threats.

(B) Operational effectiveness.

(C) Command and control arrangements.

(D) Integration and interoperability with North Atlantic Treaty Organization missile defenses.

(E) Cost and affordability, including possible allied cost-sharing.

(F) Cost-effectiveness.

(G) The degree of coverage of the European territory of members of the North Atlantic Treaty Organization.

(5) COOPERATION OF OTHER AGENCIES.—The Secretary of Defense, the Director of National Intelligence, and the heads of other departments and agencies of the United States Government shall provide the federally funded research and development center selected under paragraph (1) such data, analyses, briefings, and other information as the center considers necessary to carry out the assessment described in that paragraph.

(6) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center selected under paragraph (1) shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment described in that paragraph, including any findings and recommendations of the center as a result of the assessment.

(7) FORM.—The report under paragraph (6) shall be submitted in unclassified form, but may include a classified annex.

(d) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b).

SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR DEPLOYMENT OF MISSILE DEFENSE INTERCEPTORS IN ALASKA.

None of the funds authorized to be appropriated by this Act may be obligated or expended to deploy more than 40 Ground-Based Interceptors at Fort Greely, Alaska, until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a certification that the Block 2006 Ground-based Midcourse Defense element of the Ballistic Missile Defense System has demonstrated, through operationally realistic end-to-end flight testing, that it has a high probability of working in an operationally effective manner.

SEC. 233. BUDGET AND ACQUISITION REQUIREMENTS FOR MISSILE DEFENSE AGENCY ACTIVITIES.

(a) REVISED BUDGET STRUCTURE.—The budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 2008 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) shall set forth separately amounts requested for the Missile Defense Agency for each of the following:

(1) Research, development, test, and evaluation.

(2) Procurement.

(3) Operation and maintenance.

(4) Military construction.

(b) OBJECTIVES FOR ACQUISITION ACTIVITIES.—

(1) IN GENERAL.—Commencing as soon as practicable, but not later than the submittal to Congress of the budget for the President for fiscal year 2009 under section 1105(a) of title 31, United States Code, the Missile Defense Agency shall take appropriate actions to achieve the following objectives in its acquisition activities:

(A) Improved transparency.

(B) Improved accountability.

(C) Enhanced oversight.

(2) REQUIRED ACTIONS.—In order to achieve the objectives specified in paragraph (1), the Missile Defense Agency shall, at a minimum, take actions as follows:

(A) Establish acquisition cost, schedule, and performance baselines for each Ballistic Missile Defense System element that—

(i) has entered the equivalent of the System Development and Demonstration phase of acquisition; or

(ii) is being produced and acquired for operational fielding.

(B) Provide unit cost reporting data for each Ballistic Missile Defense System element covered by subparagraph (A), and secure independent estimation and verification of such cost reporting data.

(C) Include each year in the budget justification materials described in subsection (a) a description of actions being taken in the fiscal year in which such materials are submitted, and the actions to be taken in the fiscal year covered by such materials, to achieve such objectives.

(3) SPECIFICATION OF BALLISTIC MISSILE DEFENSE SYSTEM ELEMENTS.—The Ballistic Missile Defense System elements that, as of May 2007, are Ballistic Missile Defense System elements covered by paragraph (2)(A) are the following elements:

(A) Ground-based Midcourse Defense.

(B) Aegis Ballistic Missile Defense.

(C) Terminal High Altitude Area Defense.

(D) Forward-Based X-band radar-Transportable (AN/TPY–2).

(E) Command, Control, Battle Management, and Communications.

(F) Sea-Based X-band radar.

(G) Upgraded Early Warning radars.

SEC. 234. PARTICIPATION OF DIRECTOR, OPERATIONAL TEST AND EVALUATION, IN MISSILE DEFENSE TEST AND EVALUATION ACTIVITIES.

Section 139 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) through (j) as subsections (g) through (k), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f)(1) The Director of the Missile Defense Agency shall report promptly to the Director of Operational Test and Evaluation the results of all tests and evaluations conducted by the Missile Defense Agency and of all studies conducted by the Missile Defense Agency in connection with tests and evaluations in the Missile Defense Agency.

''(2) The Director of Operational Test and Evaluation may require that such observers as the Director designates be present during the preparation for and the conduct of any test and evaluation conducted by the Missile Defense Agency.

''(3) The Director of Operational Test and Evaluation shall have access to all records and data in the Department of Defense (including the records and data of the Missile Defense Agency) that the Director considers necessary to review in order to carry out his duties under this subsection.''.

SEC. 235. EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) in paragraph (1), by striking ''through 2008'' and inserting ''through 2013''; and

(2) in paragraph (2), by striking ''through 2009'' and inserting ''through 2014''.

Subtitle D—Other Matters

SEC. 251. MODIFICATION OF NOTICE AND WAIT REQUIREMENT FOR OBLIGATION OF FUNDS FOR FOREIGN COMPARATIVE TEST PROGRAM.

Paragraph (3) of section 2350a(g) of title 10, United States Code, is amended to read as follows:

''(3) The Director of Defense Research and Engineering shall notify the congressional defense committees of the intent to obligate funds made available to carry out this subsection not less than 7 days before such funds are obligated.''.

SEC. 252. MODIFICATION OF COST SHARING REQUIREMENT FOR TECHNOLOGY TRANSITION INITIATIVE.

Paragraph (2) of section 2359a(f) of title 10, United States Code, is amended to read as follows:

''(2) The amount of funds provided to a project under paragraph (1) by the military department or Defense Agency concerned shall be the appropriate share of the military department or Defense Agency, as the case may be, of the cost of the project, as determined by the Manager.''.

SEC. 253. STRATEGIC PLAN FOR THE MANUFACTURING TECHNOLOGY PROGRAM.

(a) IN GENERAL.—Section 2521 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) STRATEGIC PLAN.—(1) The Secretary shall develop a plan for the program which includes the following:

''(A) The overall manufacturing technology goals, milestones, priorities, and investment strategy for the program during the 5-fiscal year period beginning with the first fiscal year commencing after the development of the plan.

''(B) For each of the fiscal years under the period of the plan, the objectives of, and funding for, the program for each military department and each Defense Agency that shall participate in the program during the period of the plan.

''(2) The Secretary shall include in the plan mechanisms for assessing the effectiveness of the program under the plan.

''(3) The Secretary shall update the plan on a biennial basis.

''(4) The Secretary shall include the plan, and any update of the plan under paragraph (3), in the budget justification documents submitted in support of the budget of the Department of Defense for the applicable fiscal year (as included in the budget of the President submitted to Congress under section 1105 of title 31).''.

(b) INITIAL DEVELOPMENT OF PLAN.—The Secretary of Defense shall develop the strategic plan required by subsection (e) of section 2521 of title 10, United States Code (as added by subsection (a) of this section), so that the plan goes into effect at the beginning of fiscal year 2009.

SEC. 254. MODIFICATION OF AUTHORITIES ON COORDINATION OF DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH WITH SIMILAR FEDERAL PROGRAMS.

Section 257(e)(2) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by striking ''shall'' each place it appears and inserting ''may''.

SEC. 255. ENHANCEMENT OF DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) PROGRAM PURPOSES.—Subsection (b) of section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2500; 10 U.S.C. 2358 note) is amended—

(1) in paragraph (2), by striking ''in nanoscale research and development'' and inserting ''in the National Nanotechnology Initiative and with the National Nanotechnology Coordination Office under section 3 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7502)''; and

(2) in paragraph (3), by striking ''portfolio of fundamental and applied nanoscience and engineering research initiatives'' and inserting ''portfolio of nanotechnology research and development initiatives''.

(b) PROGRAM ADMINISTRATION.—

(1) ADMINISTRATION THROUGH UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Subsection (c) of such section is amended—

(A) by striking ''the Director of Defense Research and Engineering'' and inserting ''the Under Secretary of Defense for Acquisition, Technology, and Logistics''; and

(B) by striking ''The Director'' and inserting ''The Under Secretary''.

(2) OTHER ADMINISTRATIVE MATTERS.—Such subsection is further amended—

(A) in paragraph (2), by striking ''the Department's increased investment in nanotechnology and the National Nanotechnology Initiative; and'' and inserting ''investments by the Department and other departments and agencies participating in the National Nanotechnology Initiative in nanotechnology research and development;'';

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) oversee interagency coordination of the program with other departments and agencies participating in the National Nanotechnology Initiative, including providing appropriate funds to support the National Nanotechnology Coordination Office.''.

(c) PROGRAM ACTIVITIES.—Such section is further amended—

(1) by striking subsection (d); and

(2) by adding at the end the following new subsection (d):

''(d) ACTIVITIES.—Activities under the program shall include the following:

''(1) The development of a strategic plan for defense nanotechnology research and development that is integrated with the strategic plan for the National Nanotechnology Initiative.

''(2) The issuance on an annual basis of policy guidance to the military departments and the Defense Agencies that—

''(A) establishes research priorities under the program;

''(B) provides for the determination and documentation of the benefits to the Department of Defense of research under the program; and

''(C) sets forth a clear strategy for transitioning the research into products needed by the Department.

''(3) Advocating for the transition of nanotechnologies in defense acquisition programs, including the development of nanomanufacturing capabilities and a nanotechnology defense industrial base.''.

(d) REPORTS.—Such section is further amended by adding at the end the following new subsection:

''(e) REPORTS.—(1) Not later than March 1 of each of 2009, 2011, and 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the program.

''(2) Each report under paragraph (1) shall include the following:

''(A) A review of—

''(i) the long-term challenges and specific technical goals of the program; and

''(ii) the progress made toward meeting such challenges and achieving such goals.

''(B) An assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities.

''(C) A review of the coordination of activities under the program within the Department of Defense, with other departments and agencies of the United States, and with the National Nanotechnology Initiative.

''(D) A review and analysis of the findings and recommendations relating to the Department of Defense of the most recent triennial external review of the National Nanotechnology Program under section 5 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 1704), and a description of initiatives of the Department to implement such recommendations.

''(E) An assessment of technology transition from nanotechnology research and development to enhanced warfighting capabilities, including contributions from the Department of Defense Small Business Innovative Research and Small Business Technology Transfer Research programs, and the Department of Defense Manufacturing Technology program, and an identification of acquisition programs and deployed defense systems that are incorporating nanotechnologies.

''(F) An assessment of global nanotechnology research and development in areas of interest to the Department, including an identification of the use of nanotechnologies in any foreign defense systems.

''(G) An assessment of the defense nanotechnology manufacturing and industrial base and its capability to meet the near and far term requirements of the Department.

''(H) Such recommendations for additional activities under the program to meet emerging national security requirements as the Under Secretary considers appropriate.

''(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.''.

(e) COMPTROLLER GENERAL REPORT ON PROGRAM.—Not later than March 31, 2010, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General of the progress made by the Department of Defense in achieving the purposes of the defense nanotechnology research and development program required by section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (as amended by this section).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $29,725,273,000.

(2) For the Navy, $33,307,690,000.

(3) For the Marine Corps, $4,998,493,000.

(4) For the Air Force, $32,967,215,000.

(5) For Defense-wide activities, $22,397,153,000.

(6) For the Army Reserve, $2,512,062,000.

(7) For the Navy Reserve, $1,186,883,000.

(8) For the Marine Corps Reserve, $208,637,000.

(9) For the Air Force Reserve, $2,821,817,000.

(10) For the Army National Guard, $5,861,409,000.

(11) For the Air National Guard, $5,469,368,000.

(12) For the United States Court of Appeals for the Armed Forces, $11,971,000.

(13) For Environmental Restoration, Army, $434,879,000.

(14) For Environmental Restoration, Navy, $300,591,000.

(15) For Environmental Restoration, Air Force, $458,428,000.

(16) For Environmental Restoration, Defense-wide, $12,751,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $270,249,000.

(18) For Former Soviet Union Threat Reduction programs, $448,048,000.

(19) For Overseas Humanitarian, Disaster and Civic Aid programs, $63,300,000.

(20) For Overseas Contingency Operations Transfer Fund, $5,000,000.

Subtitle B—Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $91,588.51 to the Moses Lake Wellfield Superfund Site 10–6J Special Account.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(16) for operation and maintenance for Environmental Restoration, Defense-wide.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency at the Moses Lake Wellfield Superfund Site.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE ARCTIC SURPLUS SUPERFUND SITE, FAIRBANKS, ALASKA.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $186,625.38 to the Hazardous Substance Superfund.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for costs incurred pursuant to the agreement known as ''In the Matter of Arctic Surplus Superfund Site, U.S. EPA Docket Number CERCLA–10–2003–0114: Administrative Order on Consent for Remedial Design and Remedial Action,'' entered into by the Department of Defense and the Environmental Protection Agency on December 11, 2003.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(16) for operation and maintenance for Environmental Restoration, Defense-wide.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the Agency pursuant to the agreement described in paragraph (2) of such subsection.

SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH JACKSON PARK HOUSING COMPLEX, WASHINGTON.

(a) AUTHORITY TO TRANSFER FUNDS.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of the Navy may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $40,000.00 to the Hazardous Substance Superfund.

(2) PURPOSE OF TRANSFER.—The payment under paragraph (1) is to pay a stipulated penalty assessed by the Environmental Protection Agency on October 25, 2005, against the Jackson Park Housing Complex, Washington, for the failure by the Navy to timely submit a draft final Phase II Remedial Investigation Work Plan for the Jackson Park Housing Complex Operable Unit (OU–3T–JPHC) pursuant to a schedule included in an Interagency Agreement (Administrative Docket No. CERCLA–10–2005–0023).

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(14) for operation and maintenance for Environmental Restoration, Navy.

(c) USE OF FUNDS.—The amount transferred under subsection (a) shall be used by the Environmental Protection Agency to pay the penalty described under paragraph (2) of such subsection.

Subtitle C—Program Requirements, Restrictions, and Limitations

SEC. 321. AVAILABILITY OF FUNDS IN DEFENSE INFORMATION SYSTEMS AGENCY WORKING CAPITAL FUND FOR TECHNOLOGY UPGRADES TO DEFENSE INFORMATION SYSTEMS NETWORK.

(a) IN GENERAL.—Funds in the Defense Information Systems Agency Working Capital Fund may be used for expenses directly related to technology upgrades to the Defense Information Systems Network.

(b) LIMITATION ON CERTAIN PROJECTS.—Funds may not be used under subsection (a) for—

(1) any significant technology insertion to the Defense Information Systems Network; or

(2) any component with an estimated total cost in excess of $500,000.

(c) LIMITATION IN FISCAL YEAR PENDING TIMELY REPORT.—If in any fiscal year the report required by paragraph (1) of subsection (d) is not submitted by the date specified in paragraph (2) of subsection (d), funds may not be used under subsection (a) in such fiscal year during the period—

(1) beginning on the date specified in paragraph (2) of subsection (d); and

(2) ending on the date of the submittal of the report under paragraph (1) of subsection (d).

(d) ANNUAL REPORT.—

(1) IN GENERAL.—The Director of the Defense Information Systems Agency shall submit to the congressional defense committees each fiscal year a report on the use of the authority in subsection (a) during the preceding fiscal year.

(2) DEADLINE FOR SUBMITTAL.—The report required by paragraph (1) in a fiscal year shall be submitted not later than 60 days after the date of the submittal to Congress of the budget of the President for the succeeding fiscal year pursuant to section 1105 of title 31, United States Code.

(e) SUNSET.—The authority in subsection (a) shall expire on October 1, 2011.

SEC. 322. EXTENSION OF TEMPORARY AUTHORITY FOR CONTRACT PERFORMANCE OF SECURITY GUARD FUNCTIONS.

(a) EXTENSION.—Subsection (c) of section 332 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) is amended by striking ''September 30, 2009'' both places it appears and inserting ''September 30, 2012''.

(b) LIMITATION FOR FISCAL YEARS 2010 THROUGH 2012.—Subsection (d) of such section is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraphs:

''(4) for fiscal year 2010, the number equal to 70 percent of the total number of such personnel employed under such contracts on October 1, 2006;

''(5) for fiscal year 2011, the number equal to 60 percent of the total number of such personnel employed under such contracts on October 1, 2006; and

''(6) for fiscal year 2012, the number equal to 50 percent of the total number of such personnel employed under such contracts on October 1, 2006.''.

SEC. 323. REPORT ON INCREMENTAL COST OF EARLY 2007 ENHANCED DEPLOYMENT.

Section 323(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 229 note) is amended—

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

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) each of the military departments for the additional incremental cost resulting from the additional deployment of forces to Iraq and Afghanistan above the levels deployed to such countries on January 1, 2007.''.

SEC. 324. INDIVIDUAL BODY ARMOR.

(a) ASSESSMENT.—The Director of Operational Test and Evaluation and the Director of Defense Research and Engineering shall jointly conduct an assessment of various domestic technological approaches for body armor systems for protection against ballistic threats at or above military requirements.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of Operational Test and Evaluation and the Director of Defense Research and Engineering shall jointly submit to the Secretary of Defense, and to the congressional defense committees, a report on the assessment required by subsection (a).

(2) ELEMENTS.—The report required under paragraph (1) shall include—

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the technical capability, feasibility, military utility, and cost of each such approach; and

(B) such other matters as the Director of Operational Test and Evaluation and the Director of Defense Research and Engineering jointly consider appropriate.

(3) FORM.—The report submitted under paragraph (1) to the congressional defense committees shall be submitted in both classified and unclassified form.

Subtitle D—Workplace and Depot Issues

SEC. 341. EXTENSION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) EXTENSION OF AUTHORITY.—Section 4544 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: ''This authority may be used to enter into not more than eight contracts or cooperative agreements.''; and

(2) in subsection (k), by striking ''2009'' and inserting ''2014''.

(b) REPORTS.—

(1) ANNUAL REPORT ON USE OF AUTHORITY.—The Secretary of the Army shall submit to Congress at the same time the budget of the President is submitted to Congress for fiscal years 2009 through 2016 under section 1105 of title 31, United States Code, a report on the use of the authority provided under section 4544 of title 10, United States Code.

(2) ANALYSIS OF USE OF AUTHORITY.—Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense committees a report assessing the advisability of making such authority permanent and eliminating the limitation on the number of contracts or cooperative arrangements that may be entered into pursuant to such authority.

SEC. 342. TWO-YEAR EXTENSION OF ARSENAL SUPPORT DEMONSTRATION PROGRAM.

(a) EXTENSION.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 10 U.S.C. 4551 note) is amended by striking ''fiscal years 2001 through 2008'' and inserting ''fiscal years 2001 through 2010''.

(b) EXTENSION OF REPORTING REQUIREMENT.—The second sentence in subsection (g)(1) of such section is amended to read as follows: ''No report is required after fiscal year 2010.''.

Subtitle E—Other Matters

SEC. 351. ENHANCEMENT OF CORROSION CONTROL AND PREVENTION FUNCTIONS WITHIN DEPARTMENT OF DEFENSE.

(a) OFFICE OF CORROSION POLICY AND OVERSIGHT.—

(1) IN GENERAL.—Section 2228 of title 10, United States Code, is amended—

(A) in the section heading, by striking ''**Military equipment and infrastructure: prevention and mitigation of corrosion**'' and inserting ''**Office of Corrosion Policy and Oversight**''; and

(B) by amending subsection (a) to read as follows:

''(a) OFFICE AND DIRECTOR.—(1) There is an Office of Corrosion Policy and Oversight

within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Office shall be headed by a Director of Corrosion Policy and Oversight (in this section referred to as the 'Director'), who shall be assigned to such position by the Under Secretary from among civilian employees of the Department of Defense with the qualifications described in paragraph (3). The Director is the senior official responsible in the Department of Defense to the Secretary of Defense (after the Under Secretary of Defense for Acquisition, Technology, and Logistics) for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense. The Director shall report directly to the Under Secretary.

''(3) In order to qualify to be assigned to the position of Director, an individual shall—

''(A) have a minimum of 10 years experience in the Defense Acquisition Corps;

''(B) have technical expertise in, and professional experience with, corrosion engineering, including an understanding of the effects of corrosion policies on infrastructure; research, development, test, and evaluation; and maintenance; and

''(C) have background in and an understanding of Department of Defense budget formulation and execution, policy formulation, and planning and program requirements.''.

(2) CONFORMING CHANGES.—Subsection (b) of such section is amended—

(A) in paragraph (1), by striking ''official or organization designated under subsection (a)'' and inserting ''Director''; and

(B) by striking ''designated official or organization'' each place it appears and inserting ''Director''.

(b) ADDITIONAL AUTHORITY FOR DIRECTOR OF OFFICE.—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) ADDITIONAL AUTHORITIES FOR DIRECTOR.—The Director is authorized to—

''(1) develop, update, and coordinate corrosion training with the Defense Acquisition University;

''(2) participate in the process within the Department of Defense for the development of relevant directives and instructions; and

''(3) interact directly with the corrosion prevention industry, trade associations, other government corrosion prevention agencies, academic research institutions, and scientific organizations engaged in corrosion prevention, including the National Academy of Sciences.''.

(c) INCLUSION OF COOPERATIVE RESEARCH AGREEMENTS AS PART OF CORROSION REDUCTION STRATEGY.—Subparagraph (D) of subsection (d)(2) of such section, as redesignated by subsection (b), is amended by inserting after ''operational strategies'' the following: '', including through the establishment of memoranda of agreement, joint funding agreements, public-private partnerships, university research centers, and other cooperative research agreements''.

(d) REPORT REQUIREMENT.—Such section is further amended by inserting after subsection (d), as redesignated by subsection (b), the following new subsection:

''(e) REPORT.—(1) The Secretary of Defense shall submit with the defense budget materials for each fiscal year beginning with fiscal year 2009 a report on the following:

''(A) Funding requirements for the long-term strategy developed under subsection (d).

''(B) The return on investment that would be achieved by implementing the strategy.

''(C) The funds requested in the budget compared to the funding requirements.

''(D) An explanation of why the Department of Defense is not requesting funds for the entire requirement.

''(2) Not later than 60 days after submission of the budget for a fiscal year, the Comptroller General shall provide to the congressional defense committees—

''(A) an analysis of the budget submission for corrosion control and prevention by the Department of Defense; and

''(B) an analysis of the report required under paragraph (1).''.

(e) DEFINITIONS.—Subsection (f), as redesignated by subsection (b), is amended by adding at the end the following new paragraphs:

''(4) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(5) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.''.

SEC. 352. REIMBURSEMENT FOR NATIONAL GUARD SUPPORT PROVIDED TO FEDERAL AGENCIES.

Section 377 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''To the extent'' and inserting ''Subject to subsection (c), to the extent'';

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following new subsection:

''(b)(1) Subject to subsection (c), the Secretary of Defense shall require a Federal agency to which law enforcement support or support to a national special security event is provided by National Guard personnel performing duty under section 502(f) of title 32 to reimburse the Department of Defense for the costs of that support, notwithstanding any other provision of law. No other provision of this chapter shall apply to such support.

''(2) Any funds received by the Department of Defense under this subsection as reimbursement for support provided by personnel of the National Guard shall be credited, at the election of the Secretary of Defense, to the following:

''(A) The appropriation, fund, or account used to fund the support.

''(B) The appropriation, fund, or account currently available for reimbursement purposes.''; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) by inserting ''or section 502(f) of title 32'' after ''under this chapter''; and

(B) in paragraph (2), by inserting ''or personnel of the National Guard'' after ''Department of Defense''.

SEC. 353. REAUTHORIZATION OF AVIATION INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking ''March 30, 2008'' and inserting ''December 31, 2013''.

SEC. 354. PROPERTY ACCOUNTABILITY AND DISPOSITION OF UNLAWFULLY OBTAINED PROPERTY OF THE ARMED FORCES.

(a) STATUTORY ESTABLISHMENT OF ACCOUNTABILITY FOR PROPERTY OF NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 661 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7864. Property accountability; regulations

''The Secretary of the Navy may prescribe regulations for the accounting for property of the Navy and the Marine Corps and for the fixing of responsibility for such property.''.

(2) UNAUTHORIZED DISPOSITION AND RECOVERY OF PROPERTY.—Such chapter is further amended by adding at the end the following new section:

''§ 7865. Military equipment: unauthorized disposition

''(a) PROHIBITION.—No member of the Navy or the Marine Corps may sell, lend, pledge, barter, or give any clothing, arms, or equipment obtained by or furnished to the member by the United States to any person other than a member of the Navy or the Marine Corps authorized to receive it, an officer of the United States authorized to receive it, or any other individual authorized to receive it.

''(b) SEIZURE OF PROPERTY.—If a member of the Navy or the Marine Corps disposes of property in violation of subsection (a) and it is in the possession of a person who is not authorized to receive it as described in that subsection, that person has no right to or interest in the property, and any civil or military officer of the United States may seize it, wherever found, subject to applicable regulations. Possession of such property by a person who is not authorized to receive it as described in subsection (a) is prima facie evidence that it has been disposed of in violation of subsection (a).

''(c) RETENTION OF SEIZED PROPERTY.—If an officer who seizes property under subsection (b) is not authorized to retain it for the United States, the officer shall deliver it to a person who is authorized to retain it.''.

(b) STANDARDIZING AMENDMENTS RELATING TO DISPOSITION OF UNLAWFULLY OBTAINED ARMY AND AIR FORCE PROPERTY.—

(1) ARMY PROPERTY.—Section 4836 of title 10, United States Code, is amended to read as follows:

''§ 4836. Military equipment: unauthorized disposition

''(a) PROHIBITION.—No member of the Army may sell, lend, pledge, barter, or give any clothing, arms, or equipment obtained by or furnished to the member by the United States to any person other than a member of the Army authorized to receive it, an officer of the United States authorized to receive it, or any other individual authorized to receive it.

''(b) SEIZURE OF PROPERTY.—If a member of the Army disposes of property in violation of subsection (a) and it is in the possession of a person who is not authorized to receive it as described in that subsection, that person has no right to or interest in the property, and any civil or military officer of the United States may seize it, wherever found, subject to applicable regulations. Possession of such property by a person who is not authorized to receive it as described in subsection (a) is prima facie evidence that it has been disposed of in violation of subsection (a).

''(c) RETENTION OF SEIZED PROPERTY.—If an officer who seizes property under subsection (b) is not authorized to retain it for the United States, the officer shall deliver it to a person who is authorized to retain it.''.

(2) AIR FORCE PROPERTY.—Section 9836 of such title is amended is amended to read as follows:

''§ 9836. Military equipment: unauthorized disposition

''(a) PROHIBITION.—No member of the Air Force may sell, lend, pledge, barter, or give any clothing, arms, or equipment obtained by or furnished to the member by the United States to any person other than a member of the Air Force authorized to receive it, an officer of the United States authorized to receive it, or any other individual authorized to receive it.

''(b) SEIZURE OF PROPERTY.—If a member of the Air Force disposes of property in violation of subsection (a) and it is in the possession of a person who is not authorized to receive it as described in that subsection, that

person has no right to or interest in the property, and any civil or military officer of the United States may seize it, wherever found, subject to applicable regulations. Possession of such property by a person who is not authorized to receive it as described in subsection (a) is prima facie evidence that it has been disposed of in violation of subsection (a).

''(c) RETENTION OF SEIZED PROPERTY.—If an officer who seizes property under subsection (b) is not authorized to retain it for the United States, the officer shall deliver it to a person who is authorized to retain it.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 453 of such title is amended by striking the item relating to section 4836 and inserting the following new item:

''4836. Military equipment: unauthorized disposition.''.

(2) The table of sections at the beginning of chapter 661 of such title is amended by adding at the end the following new items:

''7864. Property accountability: regulations.
''7865. Military equipment: unauthorized disposition.''.

(3) The table of sections at the beginning of chapter 953 of such title is amended by striking the item relating to section 9836 and inserting the following new item:

''9836. Military equipment: unauthorized disposition.''.

SEC. 355. AUTHORITY TO IMPOSE REASONABLE CONDITIONS ON THE PAYMENT OF FULL REPLACEMENT VALUE FOR CLAIMS RELATED TO PERSONAL PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE.

Section 2636a(d) of title 10, United States Code, is amended by adding at the end the following new sentence: ''The regulations may require members of the armed forces or civilian employees of the Department of Defense to comply with reasonable conditions in order to receive benefits under this section.''.

SEC. 356. AUTHORITY FOR INDIVIDUALS TO RETAIN COMBAT UNIFORMS ISSUED IN CONNECTION WITH CONTINGENCY OPERATIONS.

The Secretary of a military department may authorize members of the Armed Forces under the jurisdiction of the Secretary to retain combat uniforms issued as organizational clothing and individual equipment in connection with their deployment in support of contingency operations.

SEC. 357. MODIFICATION OF REQUIREMENTS ON COMPTROLLER GENERAL REPORT ON THE READINESS OF ARMY AND MARINE CORPS GROUND FORCES.

(a) SUBMITTAL DATE.—Subsection (a)(1) of section 345 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2156) is amended by striking ''June 1, 2007'' and inserting ''March 1, 2008''.

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) An assessment of the ability of the Army and Marine Corps to provide trained and ready forces to meet the requirements of increased force levels in support of Operations Iraqi Freedom and Enduring Freedom and to meet the requirements of other ongoing operations simultaneously with such increased force levels.

''(3) An assessment of the strategic depth of the Army and Marine Corps and their ability to provide trained and ready forces to meet the requirements of the high-priority contingency war plans of the regional combatant commands, including an identification and evaluation for each such plan of—

''(A) the strategic and operational risks associated with current and projected forces of current and projected readiness;

''(B) the time required to make forces available and prepare them for deployment; and

''(C) likely strategic tradeoffs necessary to meet the requirements of each such plan.''.

(c) DEPARTMENT OF DEFENSE COOPERATION.—Such section is further amended—

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

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

''(c) DEPARTMENT OF DEFENSE COOPERATION.—The Secretary of Defense shall ensure the full cooperation of the Department of Defense with the Comptroller General for purposes of the preparation of the report required by this section.''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2008, as follows:

(1) The Army, 525,400.
(2) The Navy, 328,400.
(3) The Marine Corps, 189,000.
(4) The Air Force, 328,600.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2008, as follows:

(1) The Army National Guard of the United States, 351,300.
(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 67,800.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 106,700.
(6) The Air Force Reserve, 67,500.
(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2008, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,204.
(2) The Army Reserve, 15,870.
(3) The Navy Reserve, 11,579.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 13,936.
(6) The Air Force Reserve, 2,721.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2008 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,249.
(2) For the Army National Guard of the United States, 26,502.
(3) For the Air Force Reserve, 9,909.
(4) For the Air National Guard of the United States, 22,553.

SEC. 414. FISCAL YEAR 2008 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2008, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2008, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2008, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2008, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2008 for military personnel, in amounts as follows:

(1) For the Army, $34,952,762,000.
(2) For the Navy, $23,300,841,000.
(3) For the Marine Corps, $11,065,542,000.
(4) For the Air Force, $24,091,993,000.
(5) For the Army Reserve, $3,701,197,000.
(6) For the Navy Reserve, $1,766,408,000.
(7) For the Marine Corps Reserve, $593,961,000.
(8) For the Air Force Reserve, $1,356,618,000.
(9) For the Army National Guard, $5,914,979,000.
(10) For the Air National Guard, $2,607,456,000.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR ARMY OFFICERS ON ACTIVE DUTY IN THE GRADE OF MAJOR TO MEET FORCE STRUCTURE REQUIREMENTS.

The table in section 523(a)(1) of title 10, United States Code, is amended by striking the items under the heading ''Major'' in the portion of the table relating to the Army and inserting the following new items:

''7,768
8,689
9,611
10,532
11,454
12,375
13,297
14,218
15,140
16,061
16,983
17,903
18,825
19,746
20,668
21,589
22,511
24,354
26,197
28,040
35,412''.

SEC. 502. INCREASE IN AUTHORIZED STRENGTHS FOR NAVY OFFICERS ON ACTIVE DUTY IN GRADES OF LIEUTENANT COMMANDER, COMMANDER, AND CAPTAIN TO MEET FORCE STRUCTURE REQUIREMENTS.

(a) IN GENERAL.—The table in section 523(a)(2) of title 10, United States Code, is amended to read as follows:

''Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000	7,698	5,269	2,222
33,000	8,189	5,501	2,334
36,000	8,680	5,733	2,447
39,000	9,172	5,965	2,559
42,000	9,663	6,197	2,671
45,000	10,155	6,429	2,784
48,000	10,646	6,660	2,896
51,000	11,136	6,889	3,007
54,000	11,628	7,121	3,120
57,000	12,118	7,352	3,232
60,000	12,609	7,583	3,344
63,000	13,100	7,813	3,457
66,000	13,591	8,044	3,568
70,000	14,245	8,352	3,718
90,000	17,517	9,890	4,467''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007.

SEC. 503. EXPANSION OF EXCLUSION OF MILITARY PERMANENT PROFESSORS FROM STRENGTH LIMITATIONS FOR OFFICERS BELOW GENERAL AND FLAG GRADES.

(a) INCLUSION OF PERMANENT PROFESSORS OF THE NAVY.—Section 523(b)(8) of title 10, United States Code, is amended—

(1) by striking ''Naval Academy'' and inserting ''Navy''; and

(2) by inserting ''or service'' before the period at the end.

(b) EXPANSION OF EXCLUSION GENERALLY.—Such section is further amended by striking ''50'' and inserting ''85''.

SEC. 504. MANDATORY RETIREMENT AGE FOR ACTIVE-DUTY GENERAL AND FLAG OFFICERS CONTINUED ON ACTIVE DUTY.

Section 637(b)(3) of title 10, United States Code, is amended by striking ''but such period may not (except as provided under section 1251(b) of this title) extend beyond the date of the officer's sixty-second birthday'' and inserting ''except as provided under section 1253 of this title''.

SEC. 505. AUTHORITY FOR REDUCED MANDATORY SERVICE OBLIGATION FOR INITIAL APPOINTMENTS OF OFFICERS IN CRITICALLY SHORT HEALTH PROFESSIONAL SPECIALTIES.

Section 651 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Secretary of Defense may waive the service required by subsection (a) for initial appointments of commissioned officers in such critically short health professional specialties as the Secretary shall specify for purposes of this subsection.

''(2) The minimum period of obligated service for an officer under a waiver under this subsection shall be the greater of—

''(A) two years; or

''(B) in the case of an officer who has accepted an accession bonus or executed a contract or agreement for the multiyear receipt of special pay for service in the armed forces, the period of obligated service specified in such contract or agreement.''.

SEC. 506. INCREASE IN AUTHORIZED NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES MILITARY ACADEMY.

Paragraph (4) of section 4331(b) of title 10, United States Code, is amended to read as follows:

''(4) Twenty-eight permanent professors.''.

SEC. 507. EXPANSION OF AUTHORITY FOR REENLISTMENT OF OFFICERS IN THEIR FORMER ENLISTED GRADE.

(a) REGULAR ARMY.—Section 3258 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''a Reserve officer'' and inserting ''an officer''; and

(B) by striking ''a temporary appointment'' and inserting ''an appointment''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''a Reserve officer'' and inserting ''an officer''; and

(B) in paragraph (2), by striking ''the Reserve commission'' and inserting ''the commission''.

(b) REGULAR AIR FORCE.—Section 8258 of such title is amended—

(1) in subsection (a)—

(A) by striking ''a reserve officer'' and inserting ''an officer''; and

(B) by striking ''a temporary appointment'' and inserting ''an appointment''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''a Reserve officer'' and inserting ''an officer''; and

(B) in paragraph (2), by striking ''the Reserve commission'' and inserting ''the commission''.

SEC. 508. ENHANCED AUTHORITY FOR RESERVE GENERAL AND FLAG OFFICERS TO SERVE ON ACTIVE DUTY.

Section 526(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The limitations''; and

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

''(2) The limitations of this section also do not apply to a number, as specified by the Secretary of the military department concerned, of reserve component general or flag officers authorized to serve on active duty for a period of not more than 365 days. The number so specified for an armed force may not exceed the number equal to ten percent of the authorized number of general or flag officers, as the case may be, of that armed force under section 12004 of this title. In determining such number, any fraction shall be rounded down to the next whole number, except that such number shall be at least one.''.

SEC. 509. PROMOTION OF CAREER MILITARY PROFESSORS OF THE NAVY.

(a) PROMOTION.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended—

(A) by redesignating section 6970 as section 6970a; and

(B) by inserting after section 6969 the following new section 6970:

''§ 6970. Permanent professors: promotion

''(a) PROMOTION.—An officer serving as a permanent professor may be recommended for promotion to the grade of captain or colonel, as the case may be, under regulations prescribed by the Secretary of the Navy. The regulations shall include a competitive selection board process to identify those permanent professors best qualified for promotion. An officer so recommended shall be promoted by appointment to the higher grade by the President, by and with the advice and consent of the Senate.

''(b) EFFECTIVE DATE OF PROMOTION.—If made, the promotion of an officer under subsection (a) shall be effective not earlier than three years after the selection of the officer as a permanent professor as described in that subsection.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 603 of such title is amended by striking the item relating to section 6970 and inserting the following new items:

''6970. Permanent professors: promotion.
''6970a. Permanent professors: retirement for years of service; authority for deferral.''.

(b) CONFORMING AMENDMENTS.—Section 641(2) of such title is amended—

(1) by striking ''and the registrar'' and inserting '', the registrar''; and

(2) by inserting before the period at the end the following: '', and permanent professors of the Navy (as defined in regulations prescribed by the Secretary of the Navy)''.

Subtitle B—Enlisted Personnel Policy

SEC. 521. INCREASE IN AUTHORIZED DAILY AVERAGE OF NUMBER OF MEMBERS IN PAY GRADE E–9.

(a) INCREASE.—Section 517(a) of title 10, United States Code, is amended by striking ''1 percent'' and inserting ''1.25 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Reserve Component Management

SEC. 531. REVISED DESIGNATION, STRUCTURE, AND FUNCTIONS OF THE RESERVE FORCES POLICY BOARD.

(a) MODIFICATION OF DESIGNATION, STRUCTURE, AND FUNCTIONS OF RESERVE FORCES POLICY BOARD.—

(1) IN GENERAL.—Section 10301 of title 10, United States Code, is amended to read as follows:

''§ 10301. Reserve Policy Advisory Board

''(a) There is in the Office of the Secretary of Defense a Reserve Policy Advisory Board.

''(b)(1) The Board shall consist of a civilian chairman and not more than 15 other members, each appointed by the Secretary of Defense, of whom—

''(A) not more than 4 members may be Government civilian officials who must be from outside the Department of Defense; and

''(B) not more than 2 members may be members of the armed forces.

''(2) Each member appointed to serve on the Board shall have—

''(A) extensive knowledge, or experience with, reserve component matters, national

security and national military strategies of the United States, or roles and missions of the regular components and the reserve components;

''(B) extensive knowledge of, or experience in, homeland defense and matters involving Department of Defense support to civil authorities; or

''(C) a distinguished background in government, business, personnel planning, technology and its application in military operations, or other fields that are pertinent to the management and utilization of the reserve components.

''(3) Each member of the Board shall serve for a term of 2 years, and, at the conclusion of such term, may be appointed under this subsection to serve an additional term of 2 years.

''(4) Upon the designation of the chairman of the Board and the approval of the Secretary of Defense, an officer of the Army, Navy, Air Force, or Marine Corps in the Reserves or the National Guard who is a general or flag officer shall serve as the military advisor to, and executive officer of, the Board. Such service shall be either full-time or part-time, as designated by the Secretary of Defense, and shall be in a non-voting status on the Board.

''(c)(1) This section does not affect the committees on reserve policies prescribed within the military departments by sections 10302 through 10305 of this title.

''(2) A member of a committee or board prescribed under a section listed in paragraph (1) may, if otherwise eligible, be a member of the Reserve Policy Advisory Board.

''(d)(1) The Board shall provide the Secretary of Defense, through the Deputy Secretary of Defense, with independent advice and recommendations on strategies, policies, and practices designed to improve the capability, efficiency, and effectiveness of the reserve components.

''(2) The Board shall act on those matters referred to it by the Secretary or the chairman and, in addition, on any matter raised by a member of the Board.

''(e) The Under Secretary of Defense for Personnel and Readiness shall provide necessary logistical support to the Board.

''(f) The Board shall not be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1009 of such title is amended by striking the item relating to section 10301 and inserting the following new item:

''10301. Reserve Policy Advisory Board.''.

(3) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Reserve Forces Policy Board shall be deemed to be a reference to the Reserve Policy Advisory Board.

(b) INCLUSION OF MATTERS FROM BOARD IN ANNUAL REPORT ON ACTIVITIES OF DEPARTMENT OF DEFENSE.—Paragraph (2) of section 113(c) of title 10, United States Code, is amended to read as follows:

''(2) At the same time the Secretary submits the annual report under paragraph (1), the Secretary may transmit to the President and Congress with such report any additional matters from the Reserve Policy Advisory Board on the programs and activities of the reserve components as the Secretary considers appropriate to include in such report.''.

SEC. 532. CHARTER FOR THE NATIONAL GUARD BUREAU.

(a) PRESCRIPTION OF CHARTER BY SECRETARY OF DEFENSE.—Section 10503 of title 10, United States Code, is amended—

(1) by striking ''The Secretary of the Army and the Secretary of the Air Force shall jointly develop and'' in the matter preceding paragraph (1) and inserting ''The Secretary of the Defense shall, in consultation with the Secretary of the Army, the Secretary of the Air Force, and the Chairman of the Joint Chiefs of Staff,'';

(2) in paragraph (10), by striking ''the Army and Air Force'' and inserting ''the Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force''; and

(3) in paragraph (12), by striking ''Secretaries'' and inserting ''Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of such title is amended to read as follows:

''§ 10503. Functions of National Guard Bureau: charter from the Secretary of Defense''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item related to section 10503 and inserting the following new item:

''10503. Functions of the National Guard Bureau: charter from the Secretary of Defense.''.

SEC. 533. APPOINTMENT, GRADE, DUTIES, AND RETIREMENT OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) APPOINTMENT.—Subsection (a) of section 10502 of title 10, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

''(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

''(2) are recommended for such appointment by the Secretary of the Army or the Secretary of the Air Force;

''(3) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard;

''(4) are in a grade above the grade of brigadier general;

''(5) are determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience;

''(6) are determined by the Secretary of Defense to have successfully completed such other assignments and experiences so as to possess a detailed understanding of the status and capabilities of National Guard forces and the missions of the National Guard Bureau as set forth in section 10503 of this title;

''(7) have a level of operational experience in a position of significant responsibility, professional military education, and demonstrated expertise in national defense and homeland defense matters that are commensurate with the advisory role of the Chief of the National Guard Bureau; and

''(8) possess such other qualifications as the Secretary of Defense shall prescribe for purposes of this section.''.

(b) GRADE.—Subsection (d) of such section is amended by striking ''lieutenant general'' and inserting ''general''.

(c) REPEAL OF AGE 64 LIMITATION ON SERVICE.—Subsection (b) of such section is amended by striking ''An officer may not hold that office after becoming 64 years of age.''.

(d) ADVISORY DUTIES.—Subsection (c) of section 10502 of such title is amended to read as follows:

''(c) ADVISOR ON NATIONAL GUARD MATTERS.—The Chief of the National Guard Bureau is—

''(1) an advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense; and

''(2) the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.''.

(e) DEFERRAL OF RETIREMENT.—Section 14512(a) of such title is amended by adding at the end the following new paragraph:

''(3) The President may defer the retirement of an officer serving in the position specified in paragraph (2)(A), but such deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.''.

SEC. 534. MANDATORY SEPARATION FOR YEARS OF SERVICE OF RESERVE OFFICERS IN THE GRADE OF LIEUTENANT GENERAL OR VICE ADMIRAL.

Section 14508 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e) and (f), respectively; and

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

''(c) THIRTY-EIGHT YEARS OF SERVICE FOR LIEUTENANT GENERALS AND VICE ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general, and each reserve officer of the Navy in the grade of vice admiral, shall, 30 days after completion of 38 years of commissioned service, be separated in accordance with section 14514 of this title.''.

SEC. 535. INCREASE IN PERIOD OF TEMPORARY FEDERAL RECOGNITION AS OFFICERS OF THE NATIONAL GUARD FROM SIX TO TWELVE MONTHS.

Section 308(a) of title 32, United States Code, is amended by striking ''six months'' and inserting ''12 months''.

Subtitle D—Education and Training

SEC. 551. GRADE AND SERVICE CREDIT OF COMMISSIONED OFFICERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) MEDICAL STUDENTS OF USUHS.—Section 2114(b) of title 10, United States Code, is amended by striking the second sentence and inserting the following new sentences: ''Medical students so commissioned shall be appointed as regular officers in the grade of second lieutenant or ensign, or if they meet promotion criteria prescribed by the Secretary concerned, in the grade of first lieutenant or lieutenant (junior grade), and shall serve on active duty with full pay and allowances of an officer in the applicable grade. Any prior service of medical students on active duty shall be deemed, for pay purposes, to have been service as a warrant officer.''.

(b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—

(1) GRADE OF PARTICIPANTS.—Section 2121(c) of such title is amended by striking the second sentence and inserting the following new sentences: ''Persons so commissioned shall be appointed in the grade of second lieutenant or ensign, or if they meet promotion criteria prescribed by the Secretary concerned, in the grade of first lieutenant or lieutenant (junior grade), and shall serve on active duty with full pay and allowances of an officer in the applicable grade for a period of 45 days during each year of participation in the program. Any prior service of such

persons on active duty shall be deemed, for pay purposes, to have been service as a warrant officer.''.

(2) SERVICE CREDIT.—Subsection (a) of section 2126 of such title is amended to read as follows:

''(a) SERVICE NOT CREDITABLE.—Except as provided in subsection (b), service performed while a member of the program shall not be counted in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program.''.

(c) OFFICERS DETAILED AS STUDENTS AT MEDICAL SCHOOLS.—Subsection (a) of section 2004a of such title is amended by adding at the end the following new sentences: ''An officer detailed under this section shall serve on active duty, subject to the limitations on grade specified in section 2114(b) of this title. Any prior active service of such an officer shall be deemed, for pay purposes, to have been served as a warrant officer.''.

SEC. 552. EXPANSION OF NUMBER OF ACADEMIES SUPPORTABLE IN ANY STATE UNDER STARBASE PROGRAM.

(a) EXPANSION.—Section 2193b(c)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''more than two academies'' and inserting ''more than four academies''; and

(2) in subparagraph (B), by striking ''in excess of two'' both places it appears and inserting ''in excess of four''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 553. REPEAL OF POST-2007–2008 ACADEMIC YEAR PROHIBITION ON PHASED INCREASE IN CADET STRENGTH LIMIT AT THE UNITED STATES MILITARY ACADEMY.

Section 4342(j)(1) of title 10, United States Code, is amended by striking the last sentence.

SEC. 554. TREATMENT OF SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS, SOUTHOLD, NEW YORK, AS SINGLE INSTITUTION FOR PURPOSES OF MAINTAINING A JUNIOR RESERVE OFFICERS' TRAINING CORPS UNIT.

Southold High School, Mattituck High School, and Greenport High School, located in Southold, New York, may be treated as a single institution for purposes of the maintenance of a unit of the Junior Reserve Officers' Training Corps of the Navy.

Subtitle E—Defense Dependents' Education Matters

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 563. INCLUSION OF DEPENDENTS OF NON-DEPARTMENT OF DEFENSE EMPLOYEES EMPLOYED ON FEDERAL PROPERTY IN PLAN RELATING TO FORCE STRUCTURE CHANGES, RELOCATION OF MILITARY UNITS, OR BASE CLOSURES AND REALIGNMENTS.

Section 574(e)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) elementary and secondary school students who are dependents of personnel who are not members of the Armed Forces or civilian employees of the Department of Defense but who are employed on Federal property.''.

SEC. 564. AUTHORITY FOR PAYMENT OF PRIVATE BOARDING SCHOOL TUITION FOR MILITARY DEPENDENTS IN OVERSEAS AREAS NOT SERVED BY DEPARTMENT OF DEFENSE DEPENDENTS' SCHOOLS.

Section 1407(b)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(b)(1)) is amended in the first sentence by inserting '', including private boarding schools in the United States,'' after ''subsection (a)''.

Subtitle F—Military Justice and Legal Assistance Matters

SEC. 571. AUTHORITY OF JUDGES OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES TO ADMINISTER OATHS.

Section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(c) The judges of the United States Court of Appeals for the Armed Forces may administer oaths.''.

SEC. 572. MILITARY LEGAL ASSISTANCE FOR DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES IN AREAS WITHOUT ACCESS TO NON-MILITARY LEGAL ASSISTANCE.

Section 1044(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Civilian employees of the Department of Defense in locations where legal assistance from non-military legal assistance providers is not reasonably available.''.

SEC. 573. MODIFICATION OF AUTHORITIES ON SENIOR MEMBERS OF THE JUDGE ADVOCATE GENERALS' CORPS.

(a) DEPARTMENT OF THE ARMY.—

(1) GRADE OF JUDGE ADVOCATE GENERAL.—Subsection (a) of section 3037 of title 10, United States Code, is amended by striking the third sentence and inserting the following new sentence: ''The Judge Advocate General, while so serving, has the grade of lieutenant general.''.

(2) REDESIGNATION OF ASSISTANT JUDGE ADVOCATE GENERAL AS DEPUTY JUDGE ADVOCATE GENERAL.—Such section is further amended—

(A) in subsection (a), by striking ''Assistant Judge Advocate General'' each place it appears and inserting ''Deputy Judge Advocate General''; and

(B) in subsection (d), by striking ''Assistant Judge Advocate General'' and inserting ''Deputy Judge Advocate General''.

(3) CONFORMING AND CLERICAL AMENDMENTS.—(A) The heading of such section is amended by striking ''**ASSISTANT JUDGE ADVOCATE GENERAL**'' and inserting ''**DEPUTY JUDGE ADVOCATE GENERAL**''.

(B) The table of sections at the beginning of chapter 305 of such title is amended in the item relating to section 3037 by striking ''Assistant Judge Advocate General'' and inserting ''Deputy Judge Advocate General''.

(b) GRADE OF JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of such title is amended in subsection by striking the last sentence and inserting the following new sentence: ''The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate.''.

(c) GRADE OF JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037(a) of such title is amended by striking the last sentence and inserting the following new sentence: ''The Judge Advocate General, while so serving, has the grade of lieutenant general.''.

(d) EXCLUSION FROM ACTIVE-DUTY GENERAL AND FLAG OFFICER STRENGTH AND DISTRIBUTION LIMITATIONS.—Section 525(b) of such title is amended by adding at the end the following new paragraph:

''(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as applicable.''.

(e) LEGAL COUNSEL TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Chapter 5 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 156. Legal Counsel to the Chairman of the Joint Chiefs of Staff

''(a) IN GENERAL.—There is a Legal Counsel to the Chairman of the Joint Chiefs of Staff.

''(b) SELECTION FOR APPOINTMENT.—Under regulations prescribed by the Secretary of Defense, the officer selected for appointment to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall be recommended by a board of officers convened by the Secretary of Defense that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.

''(c) GRADE.—An officer appointed to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall, while so serving, hold the grade of brigadier general or rear admiral (lower half).

''(d) DUTIES.—The Legal Counsel of the Chairman of the Joint Chiefs of Staff shall perform such legal duties in support of the responsibilities of the Chairman of the Joint Chiefs of Staff as the Chairman may prescribe.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

''156. Legal Counsel to the Chairman of the Joint Chiefs of Staff.''.

Subtitle G—Military Family Readiness

SEC. 581. DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

(a) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1781 the following new section:

"§ 1781a. Department of Defense Military Family Readiness Council

''(a) IN GENERAL.—There is in the Department of Defense the Department of Defense Military Family Readiness Council (hereafter in this section referred to as the 'Council').

''(b) MEMBERS.—(1) The members of the Council shall be the following:

''(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council.

''(B) One representative of each of the Army, the Navy, the Marine Corps, and the Air Force, who shall be appointed by Secretary of Defense.

''(C) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations (including military family organizations of families of members of the regular components and of families of members of the reserve components), of whom not less than two shall be members of the family of an enlisted member of the armed forces.

''(2) The term on the Council of the members appointed under paragraph (1)(C) shall be three years.

''(c) MEETINGS.—The Council shall meet not less often than twice each year. Not more than one meeting of the Council each year shall be in the National Capital Region.

''(d) DUTIES.—The duties of the Council shall include the following:

''(1) To review and make recommendations to the Secretary of Defense on the policy and plans required under section 1781b of this title.

''(2) To monitor requirements for the support of military family readiness by the Department of Defense.

''(3) To evaluate and assess the effectiveness of the military family readiness programs and activities of the Department of Defense.

''(e) ANNUAL REPORTS.—(1) Not later than February 1 each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report on military family readiness.

''(2) Each report under this subsection shall include the following:

''(A) An assessment of the adequacy and effectiveness of the military family readiness programs and activities of the Department of Defense during the preceding fiscal year in meeting the needs and requirements of military families.

''(B) Recommendations on actions to be taken to improve the capability of the military family readiness programs and activities of the Department of Defense to meet the needs and requirements of military families, including actions relating to the allocation of funding and other resources to and among such programs and activities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1781 the following new item:

''1781a. Department of Defense Military Family Readiness Council.

SEC. 582. DEPARTMENT OF DEFENSE POLICY AND PLANS FOR MILITARY FAMILY READINESS.

(a) POLICY AND PLANS REQUIRED.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, as amended by section 581 of this Act, is further amended by inserting after section 1781a the following new section:

"§ 1781b. Department of Defense policy and plans for military family readiness

''(a) IN GENERAL.—The Secretary of Defense shall develop a policy and plans for the Department of Defense for the support of military family readiness.

''(b) PURPOSES.—The purposes of the policy and plans required under subsection (a) are as follows:

''(1) To ensure that the military family readiness programs and activities of the Department of Defense are comprehensive, effective, and properly supported.

''(2) To ensure that support is continuously available to military families in peacetime and in war, as well as during periods of force structure change and relocation of military units.

''(3) To ensure that the military family readiness programs and activities of the Department of Defense are available to all military families, including military families of members of the regular components and military families of members of the reserve components.

''(4) To ensure that the goal of military family readiness is an explicit element of applicable Department of Defense plans, programs, and budgeting activities, and that achievement of military family readiness is expressed through Department-wide goals that are identifiable and measurable.

''(5) To ensure that the military family readiness programs and activities of the Department of Defense undergo continuous evaluation in order to ensure that resources are allocated and expended for such programs and activities in the most effective possible manner throughout the Department.

''(c) ELEMENTS OF POLICY.—The policy required under subsection (a) shall include the following elements:

''(1) A definition for treating a program or activity of the Department of Defense as a military family readiness program or activity.

''(2) Department of Defense-wide goals for military family support, both for military families of members of the regular components and military families of members of the reserve components.

''(3) Requirements for joint programs and activities for military family support.

''(4) Policies on access to military family support programs and activities based on military family populations served and geographical location.

''(5) Metrics to measure the performance and effectiveness of the military family readiness programs and activities of the Department of Defense.

''(d) ELEMENTS OF PLANS.—(1) Each plan under required under subsection (a) shall include the elements specified in paragraph (2) for the five-fiscal year period beginning with the fiscal year in which such plan is submitted under paragraph (3).

''(2) The elements in each plan required under subsection (a) shall include, for the period covered by such plan, the following:

''(A) An ongoing identification and assessment of the effectiveness of the military family readiness programs and activities of the Department of Defense in meeting goals for such programs and activities, which assessment shall evaluate such programs and activities separately for each military department and for each regular component and each reserve component.

''(B) A description of the resources required to support the military family readiness programs and activities of the Department of Defense, including the military personnel, civilian personnel, and volunteer personnel so required.

''(C) An ongoing identification in gaps in the military family readiness programs and activities of the Department of Defense, and an ongoing identification of the resources required to address such gaps.

''(D) Mechanisms to apply the metrics developed under subsection (c)(5).

''(E) A summary, by fiscal year, of the allocation of funds (including appropriated funds and nonappropriated funds) for major categories of military family readiness programs and activities of the Department of Defense, set forth for each of the military departments and for the Office of the Secretary of Defense.

''(3) Not later than March 1, 2008, and each year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the plans required under subsection (a) for the five-fiscal year period beginning with the fiscal year beginning in the year in which such report is submitted. Each report shall include the plans covered by such report and an assessment of the discharge by the Department of Defense of the previous plans submitted under this subsection.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title, as so amended, is further amended by inserting after the item relating to section 1781a the following new item:

''1781b. Department of Defense policy and plans for military family readiness.''.

(3) REPORT ON POLICY.—The Secretary of Defense shall submit to the congressional defense committees a report setting forth the policy developed under section 1781b of title 10, United States Code (as added by this subsection), not later than February 1, 2009.

(b) SURVEYS OF MILITARY FAMILIES.—Section 1782(a) of title 10, United States Code, is amended—

(1) in the heading, by striking ''AUTHORITY'' and inserting ''IN GENERAL''; and

(2) by striking ''may conduct surveys'' in the matter preceding paragraph (1) and inserting ''shall, in fiscal year 2009 and not less often than once every three fiscal years thereafter, conduct surveys''.

Subtitle H—Other Matters

SEC. 591. ENHANCEMENT OF CARRYOVER OF ACCUMULATED LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN ACCUMULATION OF CARRYOVER AMOUNT.—

(1) IN GENERAL.—Subsection (b) of section 701 of title 10, United States Code, is amended by striking ''60 days'' and inserting ''90 days''.

(2) HIGH DEPLOYMENT MEMBERS.—Paragraph (1) of subsection (f) of such section is amended—

(A) by striking ''60 days'' each place it appears and inserting ''90 days''; and

(B) in subparagraph (C), by striking ''third fiscal year'' and inserting ''fourth fiscal year''.

(3) MEMBERS SERVING IN SUPPORT OF CONTINGENCY OPERATIONS.—Paragraph (2) of subsection (f) of such section is amended by striking ''except for this paragraph—'' and all that follows and inserting ''except for this paragraph, would lose any accumulated leave in excess of 90 days at the end of that fiscal year, shall be permitted to retain such leave until the end of the second fiscal year after the fiscal year in which such service on active duty is terminated.''.

(4) CONFORMING AMENDMENTS.—Subsection (g) of such section is amended—

(A) by striking ''60-day'' and inserting ''90-day''; and

(B) by striking ''90-day'' and inserting ''120-day''.

(b) PAY.—Section 501(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(6) An enlisted member of the armed forces who would lose accumulated leave in excess of 120 days of leave under section 701(f)(1) of title 10 may elect to be paid in cash or by a check on the Treasurer of the United States for any leave in excess so accumulated for up to 30 days of such leave. A

member may make an election under this paragraph only once.''.

(c) EFFECTIVE DATE.—

(1) INCREASE IN ACCUMULATION.—The amendments made by subsection (a) shall take effect on October 1, 2008.

(2) PAY.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 592. UNIFORM POLICY ON PERFORMANCES BY MILITARY BANDS.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 988. Performances by military bands

''(a) IN GENERAL.—Department of Defense bands, ensembles, choruses, or similar musical units, including individual members thereof performing in an official capacity, may not—

''(1) engage in the performance of music in competition with local civilian musicians; or

''(2) receive remuneration for official performances.

''(b) PERFORMANCE OF MUSIC IN COMPETITION WITH LOCAL CIVILIAN MUSICIANS DEFINED.—In this section, the term 'performance of music in competition with local civilian musicians'—

''(1) includes—

''(A) a performance of music that is more than incidental to an event that is not supported solely by appropriated funds or free to the public; and

''(B) a performance of background, dinner, dance, or other social music at any event, regardless of location, that is not supported solely by appropriated funds; but

''(2) does not include a performance of music—

''(A) at an official Federal Government event that is supported solely by appropriated funds;

''(B) at a concert, parade, or other event of a patriotic nature (including a celebration of a national holiday) that is free to the public; or

''(C) that is incidental to an event that is not supported solely by appropriated funds, including a short performance of military or patriotic music at the beginning or end of an event, if the performance complies with such regulations as the Secretary of Defense shall prescribe for purposes of this section.

''(c) MEMBERS OF DEPARTMENT OF DEFENSE BANDS PERFORMING IN PERSONAL CAPACITY.—A member of a Department of Defense band, ensemble, chorus, or similar musical unit may perform music in the member's personal capacity, as an individual or part of a group, whether for remuneration or otherwise, if in so performing the member does not wear a military uniform or otherwise identify the member as a member of the Department of Defense, as provided in applicable regulations and standards of conduct.

''(d) RECORDINGS.—(1) When authorized pursuant to regulations prescribed by the Secretary of Defense for purposes of this section, Department of Defense bands, ensembles, choruses, or similar musical units may produce recordings for distribution to the public, at a cost not to exceed production and distribution expenses.

''(2) Amounts received in payment for recording distributed to the public under this subsection shall be credited to the appropriation or account providing the funds for the production of such recordings. Any amounts so credited shall be merged with amounts in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.''.

(b) CONFORMING REPEALS.—Sections 3634, 6223, and 8634 of such title are repealed.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 49 of such title is amended by adding at the end the following new item:

''988. Performances by military bands.''.

(2) The table of sections at the beginning of chapter 349 of such title is amended by striking the item relating to section 3634.

(3) The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6223.

(4) The table of sections at the beginning of chapter 849 of such title is amended by striking the item relating to section 8634.

SEC. 593. WAIVER OF TIME LIMITATIONS ON AWARD OF MEDALS OF HONOR TO CERTAIN MEMBERS OF THE ARMY.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor under section 3741 of that title to any of the persons named in subsections (b), (c), (d), (e), and (f) for the acts of valor referred to in the respective subsections.

(b) WOODROW KEEBLE.—Subsection (a) applies with respect to Woodrow W. Keeble, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty as an acting platoon leader on October 20, 1950, during the Korean War.

(c) LESLIE SABO, JR.—Subsection (a) applies with respect to Leslie H. Sabo, Jr., for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on May 10, 1970, as an Army soldier, serving in the grade of Specialist Grade Four in Vietnam, with Company B, 3d Battalion, 506th Infantry Regiment, 101st Airborne Division.

(d) PHILIP SHADRACH.—Subsection (a) applies with respect to Philip G. Shadrach, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on April 12, 1862, as a Union Soldier, serving in the grade of Private during the Civil War, with Company K, 2nd Ohio Volunteer Infantry Regiment.

(e) HENRY SVEHLA.—Subsection (a) applies with respect to Henry Svehla, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on June 12, 1952, as an Army soldier, serving in the grade of Private First Class in Korea, with Company F, 32d Infantry Regiment, 7th Infantry Division.

(f) GEORGE WILSON.—Subsection (a) applies with respect to George D. Wilson, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on April 12, 1862, as a Union Soldier, serving in the grade of Private during the Civil War, with Company B, 2nd Ohio Volunteer Infantry Regiment.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2008 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2008 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2008, the rates of monthly basic pay for members of the uniformed services are increased by 3.5 percent.

SEC. 602. ALLOWANCE FOR PARTICIPATION OF RESERVES IN ELECTRONIC SCREENING.

(a) ALLOWANCE FOR PARTICIPATION IN ELECTRONIC SCREENING.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 433 the following new section:

''§ 433a. Allowance for participation in Ready Reserve screening

''(a) ALLOWANCE AUTHORIZED.—(1) Under regulations prescribed by the Secretaries concerned, a member of the Individual Ready Reserve may be paid a stipend for participation in the screening performed pursuant to section 10149 of title 10, in lieu of muster duty performed under section 12319 of title 10, if such participation is conducted through electronic means.

''(2) The stipend paid a member under this section shall constitute the sole monetary allowance authorized for participation in the screening described in paragraph (1), and shall constitute payment in full to the member for participation in such screening, regardless of the grade or rank in which the member is serving.

''(b) MAXIMUM PAYMENT.—The aggregate amount of the stipend paid a member of the Individual Ready Reserve under this section in any calendar year may not exceed $50.

''(c) PAYMENT REQUIREMENTS.—(1) The stipend authorized by this section may not be disbursed in kind.

''(2) Payment of a stipend to a member of the Individual Ready Reserve under this section for participation in screening shall be made on or after the date of participation in such screening, but not later than 30 days after such date.''.

(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 433 the following new item:

''433a. Allowance for participation in Ready Reserve screening.''.

(b) BAR TO DUAL COMPENSATION.—Section 206 of such title is amended by adding at the end the following new subsection:

''(f) A member of the Individual Ready Reserve is not entitled to compensation under this section for participation in screening for which the member is paid a stipend under section 433a of this title.''.

(c) BAR TO RETIREMENT CREDIT.—Section 12732(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(8) Service in the screening performed pursuant to section 10149 of this title through electronic means, regardless of whether or not a stipend is paid the member concerned for such service under section 433a of title 37.''.

SEC. 603. MIDMONTH PAYMENT OF BASIC PAY FOR CONTRIBUTIONS OF MEMBERS PARTICIPATING IN THRIFT SAVINGS PLAN.

Section 1014 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(c) Subsection (a) does not preclude a payment with respect to a member who elects to participate in the Thrift Savings Plan under section 211 of this title of an amount equal to one-half of the monthly deposit to the Thrift Savings Fund otherwise to be made by the member in participating in the Plan, which amount shall be deposited in the Fund at midmonth.''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(c) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(d) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 323(i) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

SEC. 615. INCREASE IN INCENTIVE SPECIAL PAY AND MULTIYEAR RETENTION BONUS FOR MEDICAL OFFICERS OF THE ARMED FORCES.

(a) INCENTIVE SPECIAL PAY.—Section 302(b)(1) of title 37, United States Code, is amended by striking ''$50,000'' and inserting ''$75,000''.

(b) MULTIYEAR RETENTION BONUS.—Section 301d(a)(2) of such title is amended by striking ''$50,000'' and inserting ''$75,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 616. INCREASE IN DENTAL OFFICER ADDITIONAL SPECIAL PAY.

(a) INCREASE.—Section 302b(a)(4) of title 37, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking ''at the following rates'' and inserting ''at a rate determined by the Secretary concerned, which rate may not exceed the following'';

(2) in subparagraph (A), by striking ''$4,000'' and inserting ''$10,000''; and

(3) in subparagraph (B), by striking ''$6,000'' and inserting ''$12,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007, and shall apply to payments of dental officer additional special pay under agreements entered into under section 302b(b) of title 37, United States Code, on or after that date.

SEC. 617. ENHANCEMENT OF HARDSHIP DUTY PAY.

(a) IN GENERAL.—The text of section 305 of title 37, United States Code, is amended to read as follows:

''(a) AUTHORITY.—A member of a uniformed service who is entitled to basic pay may be paid special pay under this section while the member is performing duty that is designated by the Secretary of Defense as hardship duty.

''(b) PAYMENT ON MONTHLY OR LUMP SUM BASIS.—Special pay payable under this section may be paid on a monthly basis or in a lump sum.

''(c) MAXIMUM RATE OR AMOUNT.—(1) The maximum monthly rate of special pay payable to a member on a monthly basis under this section is $1,500.

''(2) The amount of the lump sum payment of special pay payable to a member on a lump sum basis under this section may not exceed an amount equal to the product of—

''(A) the maximum monthly rate authorized under paragraph (1) at the time the member qualifies for payment of special pay on a lump sum basis under this section; and

''(B) the number of months for which special pay on a lump sum basis under this section is payable to the member.

''(d) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

''(e) REPAYMENT.—A member who is paid special pay in a lump sum under this section, but who fails to complete the period of service for which such special pay is paid, shall be subject to the repayment provisions of section 303a(e) of this title.

''(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the payment of hardship duty pay under this section, including the specific rates at which special pay payable under this section on a monthly basis shall be paid.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to hardship duty pay payable on or after that date.

SEC. 618. INCLUSION OF SERVICE AS OFF-CYCLE CREWMEMBER OF MULTI-CREWED SHIP IN SEA DUTY FOR CAREER SEA PAY.

(a) IN GENERAL.—Section 305a(e)(1)(A) of title 37, United States Code, is amended—

(1) in clause (ii), by striking ''or'' at the end; and

(2) by adding at the end the following new clause:

''(iv) while serving as an off-cycle crewmember of a multi-crewed ship; or''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to months beginning on or after that date.

SEC. 619. MODIFICATION OF REENLISTMENT BONUS FOR MEMBERS OF THE SELECTED RESERVE.

(a) MINIMUM PERIOD OF REENLISTMENT.—Subsection (a)(2) of section 308b of title 37, United States Code, is amended by striking ''for a period of three years or for a period of six years'' and inserting ''for a period of not less than three years''.

(b) AMOUNT OF BONUS.—Subsection (b)(1) of such section is amended by striking ''may not exceed—'' and all that follows and inserting ''may not exceed $15,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to reenlistments or extensions of enlistment that occur on or after that date.

SEC. 620. INCREASE IN YEARS OF COMMISSIONED SERVICE COVERED BY AGREEMENTS FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) INCREASE.—Section 312 of title 37, United States Code, is amended—

(1) in subsection (a)(3), by striking ''26 years'' and inserting ''30 years''; and

(2) in subsection (e)(1), by striking ''26 years'' and inserting ''30 years''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to agreements, including new agreements, entered into under section 312 of title 37, United States Code, on or after that date.

SEC. 621. AUTHORITY TO WAIVE 25-YEAR ACTIVE DUTY LIMIT FOR RETENTION BONUS FOR CRITICAL MILITARY SKILLS WITH RESPECT TO CERTAIN MEMBERS.

(a) AUTHORITY.—Section 323(e) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(4) The limitations in paragraph (1) may be waived by the Secretary of Defense, or by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, with respect

to a member who is assigned duties in a critical skill designated by such Secretary for purposes of this paragraph during the period of active duty for which the bonus is being offered.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2007, and shall apply with respect to written agreements that are executed, or reenlistments or extensions of enlistment that occur, under section 323 of title 37, United States Code, on or after that date.

SEC. 622. CODIFICATION AND IMPROVEMENT OF AUTHORITY TO PAY BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) CODIFICATION AND IMPROVEMENT OF BONUS AUTHORITY.—

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

''§ 331. Bonus to encourage Army personnel to refer other persons for enlistment in the Army

''(a) AUTHORITY TO PAY BONUS.—

''(1) AUTHORITY.—The Secretary of the Army may pay a bonus under this section to an individual referred to in paragraph (2) who refers to an Army recruiter a person who has not previously served in an armed force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

''(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

''(A) A member in the regular component of the Army.

''(B) A member of the Army National Guard.

''(C) A member of the Army Reserve.

''(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

''(E) A civilian employee of the Department of the Army.

''(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

''(1) when the individual concerned contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

''(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the individual concerned in initially recruiting the person.

''(c) CERTAIN REFERRALS INELIGIBLE.—

''(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

''(2) MEMBERS IN RECRUITING ROLES.—A member of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

''(3) JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS.—A member of the Army detailed under subsection (c)(1) of section 2031 of title 10 to serve as an administrator or instructor in the Junior Reserve Officers' Training Corps program or a retired member of the Army employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).

''(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable as provided in subsection (e).

''(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

''(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person.

''(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person.

''(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

''(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to which the member is entitled under title 10, 37, or 38, or any other provision of law.

''(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2008.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

''331. Bonus to encourage Army personnel to refer other persons for enlistment in the Army.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended, is repealed.

(c) PAYMENT OF BONUSES UNDER SUPERSEDED AUTHORITY.—Any bonus payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended, as of the day before the date of the enactment of this Act shall remain payable after that date in accordance with the provisions of such section as in effect on such day.

SEC. 623. AUTHORITY TO PAY BONUS TO ENCOURAGE DEPARTMENT OF DEFENSE PERSONNEL TO REFER OTHER PERSONS FOR APPOINTMENT AS OFFICERS TO SERVE IN HEALTH PROFESSIONS.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, as amended by section 622 of this Act, is further amended by adding at the end the following new section:

''§ 331a. Bonus to encourage Department of Defense personnel to refer other persons for appointment as officers to serve in health professions

''(a) AUTHORITY TO PAY BONUS.—

''(1) AUTHORITY.—The appropriate Secretary may pay a bonus under this section to an individual referred to in paragraph (2) who refers to a military recruiter a person who has not previously served and, after such referral, takes an oath of enlistment that leads to appointment as a commissioned officer, or accepts an appointment as a commissioned officer, in an armed force in a health profession designated by the appropriate Secretary for purposes of this section.

''(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

''(A) A member of the armed forces in a regular component of the armed forced.

''(B) A member of the armed forces in a reserve component of the armed forced.

''(C) A member of the armed forces in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired or retainer pay.

''(D) A civilian employee of a military department or the Department of Defense.

''(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

''(1) when the individual concerned contacts a military recruiter on behalf of a person interested in taking an oath of enlistment that leads to appointment as a commissioned officer, or accepting an appointment as a commissioned officer, as applicable, in an armed force in a health profession; or

''(2) when a person interested in taking an oath of enlistment that leads to appointment as a commissioned officer, or accepting an appointment as a commissioned officer, as applicable, in an armed force in a health profession contacts a military recruiter and informs the recruiter of the role of the individual concerned in initially recruiting the person.

''(c) CERTAIN REFERRALS INELIGIBLE.—

''(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the armed forces may not be paid a bonus under subsection (a) for the referral of an immediate family member.

''(2) MEMBERS IN RECRUITING ROLES.—A member of the armed forces serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the appropriate Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

''(3) JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS.—A member of the armed forces detailed under subsection (c)(1) of section 2031 of title 10 to serve as an administrator or instructor in the Junior Reserve Officers' Training Corps program or a retired member of the armed forces employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).

''(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable as provided in subsection (e).

''(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

''(1) Not more than $1,000 shall be paid upon the execution by the person of an agreement to serve as an officer in a health profession in an armed force for not less than 3 years,

''(2) Not more than $1,000 shall be paid upon the completion by the person of the initial period of military training as an officer.

''(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

''(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the armed forces in a retired status is in addition to any compensation to which the member is entitled under title 10, 37, or 38, or any other provision of law.

''(h) APPROPRIATE SECRETARY DEFINED.—In this section, the term 'appropriate Secretary' means—

''(1) the Secretary of the Army, with respect to matters concerning the Army;

''(2) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Navy;

''(3) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

''(4) the Secretary of Defense, with respect to personnel of the Department of Defense.

''(i) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2008.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title, as so amended, is further amended by adding at the end the following new item:

''331a. Bonus to encourage Department of Defense personnel to refer other persons for appointment as officers to serve in health professions.''.

SEC. 624. ACCESSION BONUS FOR PARTICIPANTS IN ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) ACCESSION BONUS AUTHORIZED.—Section 2127 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) In order to increase participation in the program, the Secretary of Defense may pay a person who signs an agreement under section 2122 of this title an accession bonus of not more than $20,000.

''(2) An accession bonus paid a person under this subsection is in addition to any other amounts payable to the person under this subchapter.

''(3) In the case of an individual who is paid an accession bonus under this subsection, but fails to commence or complete the obligated service required of the person under this subchapter, the repayment provisions of section 303a(e) of title 37 shall apply to the accession bonus paid the person under this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to agreements signed under subchapter I of chapter 105 of title 10, United States Code, on or after that date.

Subtitle C—Travel and Transportation Allowances

SEC. 641. PAYMENT OF EXPENSES OF TRAVEL TO THE UNITED STATES FOR OBSTETRICAL PURPOSES OF DEPENDENTS LOCATED IN VERY REMOTE LOCATIONS OUTSIDE THE UNITED STATES.

Section 1040 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsection (d) and (e), respectively; and

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

''(c) The Secretary of Defense may pay the travel expenses and related expenses of a dependent of a member of the uniformed services assigned to a very remote location outside the United States, as determined by the Secretary, for travel for obstetrical purposes to a location in the United States.''.

SEC. 642. PAYMENT OF MOVING EXPENSES FOR JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS IN HARD-TO-FILL POSITIONS.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) When determined by the Secretary of the military department concerned to be in the national interest and agreed upon by the institution concerned, the institution may reimburse the moving expenses of a Junior Reserve Officers' Training Corps instructor who executes a written agreement to serve a minimum of two years of employment at the institution in a position that is hard-to-fill for geographic or economic reasons and as determined by the Secretary concerned.

''(2) Any reimbursement of an instructor under paragraph (1) is in addition to the minimum instructor pay otherwise payable to the instructor.

''(3) The Secretary concerned shall reimburse an institution making a reimbursement under paragraph (1) in an amount equal to the amount of the reimbursement paid by the institution under that paragraph. Any reimbursement under this paragraph shall be made from funds appropriated for that purpose.

''(4) The payment of reimbursements under paragraphs (1) and (3) shall be subject to regulations prescribed by the Secretary of Defense for purposes of this subsection.''.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 651. MODIFICATION OF SCHEME FOR PAYMENT OF DEATH GRATUITY PAYABLE WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Subsection (a) of section 1477 of title 10, United States Code, is amended by striking all that follows ''on the following list:'' and inserting the following:

''(1) To any individual designated by the person in writing.

''(2) If there is no person so designated, to the surviving spouse of the person.

''(3) If there is none of the above, to the children (as prescribed by subsection (b)) of the person and the descendants of any deceased children by representation.

''(4) If there is none of the above, to the parents (as prescribed by subsection (c)) of the person or the survivor of them.

''(5) If there is none of the above, to the duly appointed executor or administrator of the estate of the person.

''(6) If there is none of the above, to other next of kin of the person entitled under the laws of domicile of the person at the time of the person's death.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking ''Subsection (a)(2)'' in the matter preceding paragraph (1) and inserting ''Subsection (a)(3)'';

(2) by striking (c) and inserting the following new subsection (c):

''(c) For purposes of subsection (a)(4), parents include fathers and mothers through adoption. However, only one father and one mother may be recognized in any case, and preference shall be given to those who exercised a parental relationship on the date, or most nearly before the date, on which the decedent entered a status described in section 1475 or 1476 of this title.''; and

(3) by striking subsection (d).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) APPLICABILITY.—Notwithstanding subsection (c), the provisions of section 1477 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply to each member of the Armed Forces covered by such section until the earlier of the following—

(1) the date on which such member makes the designation contemplated by paragraph (1) of section 1477(a) of such title (as amended by subsection (a) of this section); or

(2) January 1, 2008.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than December 1, 2007, the Secretary of Defense shall prescribe regulations to implement the amendments to section 1477 of title 10, United States Code, made by subsection (a).

(2) ELEMENTS.—The regulations required by paragraph (1) shall include forms for the making of the designation contemplated by paragraph (1) of section 1477(a) of title 10, United States Code (as amended by subsection (a)), and instructions for members of the Armed Forces in the filling out of such forms.

SEC. 652. ANNUITIES FOR GUARDIANS OR CARETAKERS OF DEPENDENT CHILDREN UNDER SURVIVOR BENEFIT PLAN.

(a) ELECTION.—Section 1448(b) of title 10, United States Code, is amended—

(1) in the subsection caption, by striking ''AND FORMER SPOUSE'' and inserting '', FORMER SPOUSE, AND GUARDIAN OR CARETAKER''; and

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

''(6) GUARDIAN OR CARETAKER COVERAGE.—

''(A) GENERAL RULE.—A person who is not married and has one or more dependent children upon becoming eligible to participate in the Plan may elect to provide an annuity under the Plan to a natural person (other than a natural person with an insurable interest in the person under paragraph (1) or a former spouse) who acts as a guardian or caretaker to such child or children. In the case of a person providing a reserve-component annuity, such an election shall include a designation under subsection (e).

''(B) TERMINATION OF COVERAGE.—Subparagraphs (B) through (E) of paragraph (1) shall apply to an election under subparagraph (A) of this paragraph in the same manner as such subparagraphs apply to an election under subparagraph (A) of paragraph (1).

''(C) ELECTION OF NEW BENEFICIARY UPON DEATH OF PREVIOUS BENEFICIARY.—Subparagraph (G) of paragraph (1) shall apply to an election under subparagraph (A) of this paragraph in the same manner as such subparagraph (G) applies to an election under subparagraph (A) of paragraph (1), except that any new beneficiary elected under such subparagraph (G) by reason of this subparagraph shall be a guardian or caretaker of the dependent child or children of the person making such election.''.

(b) PAYMENT OF ANNUITY.—Section 1450 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(5) GUARDIAN OR CARETAKER COVERAGE.—The natural person designated under section 1448(b)(6) of this title, unless the election to provide an annuity to the natural person has been changed as provided in subsection (f).''; and

(2) in the subsection caption of subsection (f), by striking ''OR FORMER SPOUSE'' and inserting '', FORMER SPOUSE, OR GUARDIAN OR CARETAKER''.

(c) AMOUNT OF ANNUITY.—Section 1451(b) of such title is amended—

(1) in the subsection caption, by inserting ''OR GUARDIAN OR CARETAKER'' after ''INSURABLE INTEREST''; and

(2) by inserting ''or 1450(a)(5)'' after ''1450(a)(4)'' each place it appears in paragraphs (1) and (2).

(d) REDUCTION IN RETIRED PAY.—Section 1452(c) of such title is amended—

(1) in the subsection caption, by inserting ''OR GUARDIAN OR CARETAKER'' after ''INSURABLE INTEREST''; and

(2) by inserting ''or 1450(a)(5)'' after ''1450(a)(4)'' each place it appears in paragraphs (1) and (3).

SEC. 653. EXPANSION OF COMBAT-RELATED SPECIAL COMPENSATION ELIGIBILITY FOR CHAPTER 61 MILITARY RETIREES.

(a) ELIGIBILITY.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking ''entitled to retired pay who—'' and all that follows and inserting ''who—

''(1) is entitled to retired pay (other than by reason of section 12731b of this title); and

''(2) has a combat-related disability.''.

(b) COMPUTATION.—Paragraph (3) of subsection (b) of such section is amended—

(1) by designating the text of that paragraph as subparagraph (A), realigning that text so as to be indented 4 ems from the left margin, and inserting before ''In the case of'' the following heading: ''IN GENERAL.—''; and

(2) by adding at the end the following new subparagraph:

''(B) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—In the case of an eligible combat-related disabled uniformed services retiree who is retired

under chapter 61 of this title with fewer than 20 years of creditable service, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

SEC. 654. CLARIFICATION OF APPLICATION OF RETIRED PAY MULTIPLIER PERCENTAGE TO MEMBERS OF THE UNIFORMED SERVICES WITH OVER 30 YEARS OF SERVICE.

(a) COMPUTATION OF RETIRED AND RETAINER PAY FOR MEMBERS OF NAVAL SERVICE.—The table in section 6333(a) of title 10, United States Code, is amended in Column 2 of Formula A by striking ''75 percent'' and inserting ''Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to him under section 1405.''.

(b) RETIRED PAY FOR CERTAIN MEMBERS RECALLED TO ACTIVE DUTY.—The table in section 1402(a) of such title is amended by striking Column 3.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 2007, and shall apply with respect to retired pay and retainer pay payable on or after that date.

SEC. 655. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) has attained the eligibility age applicable under subsection (f) to that person;''; and

(2) by adding at the end the following new subsection:

''(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

''(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after the date of the enactment of this subsection, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

''(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

''(ii) Active service described in this subparagraph is also service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

''(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).''.

(b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.—Section 1074(b) of such title is amended—

(1) by inserting ''(1)'' after ''(b)''; and

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

''(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.''.

(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

Subtitle E—Education Benefits

SEC. 671. TUITION ASSISTANCE FOR OFF-DUTY TRAINING OR EDUCATION.

(a) CLARIFICATION OF APPLICABILITY OF CURRENT AUTHORITY TO COMMISSIONED OFFICERS ON ACTIVE DUTY.—Subsection (b) of section 2007 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''(other than a member of the Ready Reserve)'' after ''active duty'' the first place it appears; and

(B) by striking ''or full-time National Guard duty'' both places it appears; and

(2) in paragraph (2)(B), by inserting ''for which ordered to active duty'' after ''active duty service''.

(b) AUTHORITY TO PAY TUITION ASSISTANCE TO MEMBERS OF THE READY RESERVE.—

(1) IN GENERAL.—Subsection (c) of such section is amended to read as follows:

''(c)(1) Subject to paragraphs (3)(A) and (4), the Secretary of a military department may pay the charges of an educational institution for the tuition or expenses described in subsection (a) of a member of the Selected Reserve.

''(2) Subject to paragraphs (3)(B) and (4), the Secretary of a military department may pay the charges of an educational institution for the tuition or expenses described in subsection (a) of a member of the Individual Ready Reserve who has a military occupational specialty designated by the Secretary for purposes of this subsection.

''(3)(A) The Secretary of a military department may not pay charges under paragraph (1) for tuition or expenses of an officer of the Selected Reserve unless the officer agrees to remain a member of the Selected Reserve for at least four years after completion of the education or training for which the charges are paid.

''(B) The Secretary of a military department may not pay charges under paragraph (2) for tuition or expenses of an officer of the Individual Ready Reserve unless the officer agrees to remain in the Selected Reserve or Individual Ready Reserve for at least four years after completion of the education or training for which the charges are paid.

''(4) The Secretary of a military department may require enlisted members of the Selected Reserve or Individual Ready Reserve to agree to serve for up to four years in the Selected Reserve or Individual Ready Reserve, as the case may be, after completion of education or training for which tuition or expenses are paid under paragraph (1) or (2), as applicable.''.

(2) REPEAL OF SUPERSEDED PROVISION.—Such section is further amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(3) REPAYMENT OF UNEARNED BENEFIT.—Subsection (e) of such section, as redesignated by paragraph (2) of this subsection, is amended—

(A) by inserting ''(1)'' after ''(e)''; and

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

''(2) If a member of the Ready Reserve who enters into an agreement under subsection (c) does not complete the period of service specified in the agreement, the member shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(c) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

''(f) This section shall be administered under regulations prescribed by the Secretary of Defense and the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy.''.

SEC. 672. EXPANSION OF SELECTED RESERVE EDUCATION LOAN REPAYMENT PROGRAM.

(a) ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of subsection (a) of section 16301 of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(D) any loan incurred for educational purposes made by a lender that is—

''(i) an agency or instrumentality of a State;

''(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

''(iii) a pension fund approved by the Secretary for purposes of this section; or

''(iv) a nonprofit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.''.

(b) ELIGIBILITY OF OFFICERS.—Such subsection is further amended—

(1) in paragraph (2)—

(A) by striking ''Except as provided in paragraph (3), the Secretary'' and inserting ''The Secretary''; and

(B) by striking ''an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty'' and inserting ''a member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and officer program or military specialty''; and

(2) by striking paragraph (3).

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

''§ 16301. Education loan repayment program: members of the Selected Reserve''.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1609 of such title is amended by striking the item relating to section 16301 and inserting the following new item:

''16301. Education loan repayment program: members of the Selected Reserve.''.

Subtitle F—Other Matters

SEC. 681. ENHANCEMENT OF AUTHORITIES ON INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE-DUTY SERVICE.

(a) CLARIFICATION OF GENERAL AUTHORITY.—Subsection (a) of section 910 of title 37, United States Code, is amended by inserting '', when the total monthly military compensation of the member is less than the average monthly civilian income'' after ''by the Secretary''.

(b) ELIGIBILITY.—Subsection (b) of such section is amended to read as follows:

''(b) ELIGIBILITY.—Subject to subsection (c), a reserve component member is entitled to a payment under this section for any full month of active duty of the member—

''(1) while on active duty under an involuntary mobilization order, following the date on which the member—

''(A) completes 18 continuous months of service on active duty under such an order;

''(B) completes 730 cumulative days of service on active duty under such an order during the previous 1,826 days; or

''(C) is involuntarily mobilized for service on active duty for a period of 180 days or more within 180 days following the member's separation from a previous period of involuntary active duty for period of 180 days or more; or

''(2) while retained on active duty under subparagraph (A) or (B) of section 12301(h)(1) of title 10 because of an injury or illness incurred or aggravated while deployed to an area designated for special pay under section 310 of this title after becoming entitled to income replacement pay under paragraph (1).''.

(c) TERMINATION.—Subsection (g) of such section is amended to read as follows:

''(g) TERMINATION OF AUTHORITY.—Payment under this section shall only be made for service performed on or before December 31, 2008.''.

SEC. 682. OVERSEAS NATURALIZATION OF MILITARY FAMILY MEMBERS.

(a) IN GENERAL.—Section 319 of the Immigration and Nationality Act (8 U.S.C. 1430) is amended by adding at the end the following new subsection:

''(e) Any person who is lawfully admitted for permanent residence, is the spouse or child of a member of the Armed Forces, and is authorized to accompany such member and reside in a foreign country with the member pursuant to the member's official orders, and who is so accompanying and residing with the member (in marital union if a spouse), may be naturalized upon compliance with all the requirements of this title except that the person's residence and physical presence in such foreign country shall be treated as residence and physical presence in the United States or any State for the purpose of satisfying the requirements of section 316 or 322 for naturalization and for the purpose of satisfying the requirements of section 101(a)(13)(C)(i) or (ii).''.

(b) OVERSEAS NATURALIZATION AUTHORITY.—Section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (8 U.S.C. 1443a) is amended by inserting '', and persons eligible to meet the residence or physical presence requirements for naturalization pursuant to subsection (e) of section 319 of the Immigration and Nationality Act (8 U.S.C. 1430),'' after ''Armed Forces''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any application of naturalization pending before the Secretary of Homeland Security on or after the date of enactment.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. INCLUSION OF TRICARE RETAIL PHARMACY PROGRAM IN FEDERAL PROCUREMENT OF PHARMACEUTICALS.

(a) IN GENERAL.—Section 1074g of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) PROCUREMENT OF PHARMACEUTICALS BY TRICARE RETAIL PHARMACY PROGRAM.—With respect to any prescription filled on or after October 1, 2007, the TRICARE retail pharmacy program shall be treated as an element of the Department of Defense for purposes of the procurement of drugs by Federal agencies under section 8126 of title 38 to the extent necessary to ensure that pharmaceuticals paid for by the Department of Defense that are provided by pharmacies under the program to eligible covered beneficiaries under this section are subject to the pricing standards in such section 8126.''.

(b) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries under chapter 55 of title 10, United States Code, modify the regulations under subsection (h) of section 1074g of title 10, United States Code (as redesignated by subsection (a)(1) of this section), to implement the requirements of subsection (f) of section 1074g of title 10, United States Code (as amended by subsection (a)(2) of this section). The Secretary shall so modify such regulations not later than December 31, 2007.

SEC. 702. SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.

(a) REQUIREMENT FOR SURVEYS.—

(1) IN GENERAL.—The Secretary of Defense shall conduct surveys of health care providers and beneficiaries who use TRICARE in the United States to determine, utilizing a reconciliation of the responses of providers and beneficiaries to such surveys, each of the following:

(A) How many health care providers in TRICARE Prime service areas selected under paragraph (3)(A) are accepting new patients under each of TRICARE Standard and TRICARE Extra.

(B) How many health care providers in geographic areas in which TRICARE Prime is not offered are accepting patients under each of TRICARE Standard and TRICARE Extra.

(C) The availability of mental health care providers in TRICARE Prime service areas selected under paragraph (3)(C) and in geographic areas in which TRICARE Prime is not offered.

(2) BENCHMARKS.—The Secretary shall establish for purposes of the surveys required by paragraph (1) benchmarks for primary care and specialty care providers, including mental health care providers, to be utilized to determine the adequacy of health care providers to beneficiaries eligible for TRICARE.

(3) SCOPE OF SURVEYS.—The Secretary shall carry out the surveys required by paragraph (1) as follows:

(A) In the case of the surveys required by subparagraph (A) of that paragraph, in at least 20 TRICARE Prime service areas in the United States in each of fiscal years 2008 through 2011.

(B) In the case of the surveys required by subparagraph (B) of that paragraph, in 20 geographic areas in which TRICARE Prime is not offered and in which significant numbers of beneficiaries who are members of the Selected Reserve reside.

(C) In the case of the surveys required by subparagraph (C) of that paragraph, in at least 40 geographic areas.

(4) PRIORITY FOR SURVEYS.—In prioritizing the areas which are to be surveyed under paragraph (1), the Secretary shall—

(A) consult with representatives of TRICARE beneficiaries and health care and mental health care providers to identify locations where TRICARE Standard beneficiaries are experiencing significant levels of access-to-care problems under TRICARE Standard or TRICARE Extra; and

(B) give a high priority to surveying health care and mental health care providers in such areas.

(5) INFORMATION FROM PROVIDERS.—The surveys required by paragraph (1) shall include questions seeking to determine from health care and mental health care providers the following:

(A) Whether the provider is aware of the TRICARE program.

(B) What percentage of the provider's current patient population uses any form of TRICARE.

(C) Whether the provider accepts patients for whom payment is made under the medicare program for health care and mental health care services.

(D) If the provider accepts patients referred to in subparagraph (C), whether the provider would accept additional such patients who are not in the provider's current patient population.

(6) INFORMATION FROM BENEFICIARIES.—The surveys required by paragraph (1) shall include questions seeking information to determine from TRICARE beneficiaries whether they have difficulties in finding health care and mental health care providers willing to provide services under TRICARE Standard or TRICARE Extra.

(b) SUPERVISION.—

(1) SUPERVISING OFFICIAL.—The Secretary shall designate a senior official of the Department of Defense to take the actions necessary for achieving and maintaining participation of health care and mental health care providers in TRICARE Standard and TRICARE Extra throughout TRICARE in a number that is adequate to ensure the viability of TRICARE Standard for TRICARE beneficiaries.

(2) DUTIES.—The official designated under paragraph (1) shall have the following duties:

(A) To make recommendations to the Secretary for purposes of subsection (a)(2) on appropriate benchmarks for measuring the adequacy of health care and mental health care providers in TRICARE Prime service areas and geographic areas in the United States in which TRICARE Prime is not offered.

(B) To educate health care and mental health care providers about TRICARE Standard and TRICARE Extra.

(C) To encourage health care and mental health care providers to accept patients under TRICARE Standard and TRICARE Extra.

(D) To ensure that TRICARE beneficiaries have the information necessary to locate TRICARE Standard and TRICARE Extra providers readily.

(E) To recommend adjustments in TRICARE Standard provider payment rates that the official considers necessary to ensure adequate availability of TRICARE Standard providers for TRICARE Standard beneficiaries.

(c) GAO REVIEW.—

(1) ONGOING REVIEW.—The Comptroller General shall, on an ongoing basis, review—

(A) the processes, procedures, and analysis used by the Department of Defense to determine the adequacy of the number of health care and mental health care providers—

(i) that currently accept TRICARE Standard or TRICARE Extra beneficiaries as patients under TRICARE Standard in each

TRICARE area as of the date of completion of the review; and

(ii) that would accept TRICARE Standard or TRICARE Extra beneficiaries as new patients under TRICARE Standard or TRICARE Extra, as applicable, within a reasonable time after the date of completion of the review; and

(B) the actions taken by the Department of Defense to ensure ready access of TRICARE Standard beneficiaries to health care and mental health care under TRICARE Standard in each TRICARE area, including any pending or resolved requests for waiver of payment limits in order to improve access to health care or mental health care in a specific geographic area.

(2) REPORTS.—The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives on a bi-annual basis a report on the results of the review under paragraph (1). Each report shall include the following:

(A) An analysis of the adequacy of the surveys under subsection (a).

(B) An identification of any impediments to achieving adequacy of availability of health care and mental health care under TRICARE Standard or TRICARE Extra.

(C) An assessment of the adequacy of Department of Defense education programs to inform health care and mental health care providers about TRICARE Standard and TRICARE Extra.

(D) An assessment of the adequacy of Department of Defense initiatives to encourage health care and mental health care providers to accept patients under TRICARE Standard and TRICARE Extra.

(E) An assessment of the adequacy of information available to TRICARE Standard beneficiaries to facilitate access by such beneficiaries to health care and mental health care under TRICARE Standard and TRICARE Extra.

(F) An assessment of any need for adjustment of health care and mental health care provider payment rates to attract participation in TRICARE Standard by appropriate numbers of health care and mental health care providers.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 2007.

(e) REPEAL OF SUPERSEDED REQUIREMENTS AND AUTHORITY.—Section 723 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 1073 note) is repealed, effective as of October 1, 2007.

(f) DEFINITIONS.—In this section:

(1) The term ''TRICARE Extra'' means the option of the TRICARE program under which TRICARE Standard beneficiaries may obtain discounts on cost-sharing as a result of using TRICARE network providers.

(2) The term ''TRICARE Prime'' means the managed care option of the TRICARE program.

(3) The term ''TRICARE Prime service area'' means a geographic are designated by the Department of Defense in which managed care support contractors develop a managed care network under TRICARE Prime.

(4) The term ''TRICARE Standard'' means the option of the TRICARE program that is also known as the Civilian Health and Medical Program of the Uniformed Services, as defined in section 1072(4) of title 10, United States Code.

(5) The term ''United States'' means the United States (as defined in section 101(a) of title 10, United States Code), its possessions (as defined in such section), and the Commonwealth of Puerto Rico.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. SUBSTANTIAL SAVINGS UNDER MULTIYEAR CONTRACTS.

(a) DEFINITION IN REGULATIONS OF SUBSTANTIAL SAVINGS UNDER MULTIYEAR CONTRACTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations prescribed pursuant to subsection (b)(2)(A) of section 2306b of title 10, United States Code, to define the term ''substantial savings'' for purposes of subsection (a)(1) of such section. Such regulations shall specify that—

(A) savings that exceed 10 percent of the total anticipated costs of carrying out a program through annual contracts shall be considered to be substantial;

(B) savings that exceed 5 percent of the total anticipated costs of carrying out a program through annual contracts, but do not exceed 10 percent of such costs, shall not be considered to be substantial unless the Secretary determines in writing that an exceptionally strong case has been made with regard to the findings required by paragraphs (2) through (6) of section 2306b(a) of such title; and

(C) savings that do not exceed 5 percent of the total anticipated costs of carrying out a program through annual contracts shall not be considered to be substantial.

(2) EFFECTIVE DATE.—The modification required by paragraph (1) shall apply with regard to any multiyear contract that is authorized after the date that is 60 days after the date of the enactment of this Act.

(b) REPORT ON BASIS FOR DETERMINATION.—Section 2306b(i)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: ''after the head of the agency concerned submits to the congressional defense committees a report on the specific facts supporting the determination of the head of that agency under subsection (a)''.

(c) REPORTS ON SAVINGS ACHIEVED.—

(1) REPORTS REQUIRED.—Not later than January 15 of 2008, 2009, and 2010, the Secretary shall submit to the congressional defense committees a report on the savings achieved through the use of multiyear contracts that were entered under the authority of section 2306b of title 10, United States Code, and the performance of which was completed in the preceding fiscal year.

(2) ELEMENTS.—Each report under paragraph (1) shall specify, for each multiyear contract covered by such report—

(A) the savings that the Department of Defense estimated it would achieve through the use of the multiyear contract at the time such contract was awarded; and

(B) the best estimate of the Department on the savings actually achieved under such contract.

SEC. 802. CHANGES TO MILESTONE B CERTIFICATIONS.

Section 2366a of title 10, United States Code, is amended—

(1) in subsection (a), by inserting '', after receiving a business case analysis,'' after ''the milestone decision authority'' in the matter preceding paragraph (1);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

''(b) CHANGES TO CERTIFICATION.—(1) The program manager for a major defense acquisition program that has received certification under subsection (a) shall immediately notify the milestone decision authority of any changes to the program that are—

''(A) inconsistent with such certification; or

''(B) deviate significantly from the material provided to the milestone decision authority in support of such certification.

''(2) Upon receipt of information under paragraph (1), the milestone decision authority may withdraw the certification concerned or rescind Milestone B approval (or Key Decision Point B approval in the case of a space program) if the milestone decision authority determines that such action is in the best interest of the national security of the United States.'';

(4) in subsection (c), as redesignated by paragraph (1)—

(A) by inserting ''(1)'' before ''The certification''; and

(B) by adding at the end the following new paragraph (2):

''(2) Any information provided to the milestone decision authority pursuant to subsection (b) shall be summarized in the first Selected Acquisition Report submitted under section 2432 of this title after such information is received by the milestone decision authority.''; and

(5) in subsection (e), as so redesignated, by striking ''subsection (c)'' and inserting ''subsection (d)''.

SEC. 803. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE ORGANIZATION AND STRUCTURE FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on potential modifications of the organization and structure of the Department of Defense for major defense acquisition programs.

(b) ELEMENTS.—The report required by subsection (a) shall include the results of a review, conducted by the Comptroller General for purposes of the report, regarding the feasibility and advisability of, at a minimum, the following:

(1) Establishing system commands within each military department, each of which commands would be headed by a 4-star general or flag officer, to whom the program managers and program executive officers for major defense acquisition programs would report.

(2) Revising the acquisition process for major defense acquisition programs by establishing shorter, more frequent acquisition program milestones.

(3) Requiring certifications of program status to the defense acquisition executive and Congress prior to milestone approval for major defense acquisition programs.

(4) Establishing a new office (to be known as the ''Office of Independent Assessment'') to provide independent cost estimates and performance estimates for major defense acquisition programs.

(5) Establishing a milestone system for major defense acquisition programs utilizing the following milestones (or such other milestones as the Comptroller General considers appropriate for purposes of the review):

(A) MILESTONE 0.—The time for the development and approval of a mission need statement for a major defense acquisition program.

(B) MILESTONE 1.—The time for the development and approval of a capability need definition for a major defense acquisition program, including development and approval of a certification statement on the characteristics required for the system under the program and a determination of the priorities among such characteristics.

(C) MILESTONE 2.—The time for technology development and assessment for a major defense acquisition program, including development and approval of a certification statement on technology maturity of elements under the program.

(D) MILESTONE 3.—The time for system development and demonstration for a major defense acquisition program, including development and approval of a certification statement on design proof of concept.

(E) MILESTONE 4.—The time for final design, production prototyping, and testing of a major defense acquisition program, including development and approval of a certification statement on cost, performance, and schedule in advance of initiation of low-rate production of the system under the program.

(F) MILESTONE 5.—The time for limited production and field testing of the system under a major defense acquisition program.

(G) MILESTONE 6.—The time for initiation of full-rate production of the system under a major defense acquisition program.

(6) Requiring the Milestone Decision Authority for a major defense acquisition program to specify, at the time of Milestone B approval, or Key Decision Point B approval, as applicable, the period of time that will be required to deliver an initial operational capability to the relevant combatant commanders.

(7) Establishing a materiel solutions process for addressing identified gaps in critical warfighting capabilities, under which process the Under Secretary of Defense for Acquisition, Technology, and Logistics circulates among the military departments and appropriate Defense Agencies a request for proposals for technologies and systems to address such gaps.

(8) Modifying the role played by chiefs of staff of the Armed Forces in the requirements, resource allocation, and acquisition processes.

(c) CONSULTATION.—In conducting the review required under subsection (b) for the report required by subsection (a), the Comptroller General shall obtain the views of the following:

(1) Senior acquisition officials currently serving in the Department of Defense.

(2) Individuals who formerly served as senior acquisition officials in the Department of Defense.

(3) Participants in previous reviews of the organization and structure of the Department of Defense for the acquisition of major weapon systems, including the President's Blue Ribbon Commission on Defense Management in 1986.

(4) Other experts on the acquisition of major weapon systems.

(5) Appropriate experts in the Government Accountability Office.

SEC. 804. INVESTMENT STRATEGY FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(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 the strategies of the Department of Defense for the allocation of funds and other resources under major defense acquisition programs.

(b) ELEMENTS.—The report required by subsection (a) shall address, at a minimum, Department of Defense organizations, procedures, and approaches for the following purposes:

(1) To establish priorities among needed capabilities under major defense acquisition programs, and to assess the resources (including funds, technologies, time, and personnel) needed to achieve such capabilities.

(2) To balance cost, schedule, and requirements for major defense acquisition programs to ensure the most efficient use of Department of Defense resources.

(3) To ensure that the budget, requirements, and acquisition processes of the Department of Defense work in a complementary manner to achieve desired results.

(c) ROLE OF TRI-CHAIR COMMITTEE IN RESOURCE ALLOCATION.—

(1) IN GENERAL.—The report required by subsection (a) shall also address the role of the committee described in paragraph (2) in the resource allocation process for major defense acquisition programs.

(2) COMMITTEE.—The committee described in this paragraph is a committee (to be known as the ''Tri-Chair Committee'') composed of the following:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who is one of the chairs of the committee.

(B) The Vice Chairman of the Joint Chiefs of Staff, who is one of the chairs of the committee.

(C) The Director of Program Analysis and Evaluation, who is one of the chairs of the committee.

(D) Any other appropriate officials of the Department of Defense, as jointly agreed upon by the Under Secretary and the Vice Chairman.

(d) RECOMMENDATIONS.—The report required by subsection (a) shall include any recommendations, including recommendations for legislative action, that the Secretary considers appropriate to improve the organizations, procedures, and approaches described in the report.

SEC. 805. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS ON TOTAL OWNERSHIP COST FOR MAJOR WEAPON SYSTEMS.

(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 the extent of the implementation of the recommendations set forth in the February 2003 report of the Government Accountability Office entitled ''Setting Requirements Differently Could Reduce Weapon Systems' Total Ownership Costs''.

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

(1) For each recommendation described in subsection (a) that has been implemented, or that the Secretary plans to implement—

(A) a summary of all actions that have been taken to implement such recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of such recommendation.

(2) For each recommendation that the Secretary has not implemented and does not plan to implement—

(A) the reasons for the decision not to implement such recommendation; and

(B) a summary of any alternative actions the Secretary plans to take to address the purposes underlying such recommendation.

(3) A summary of any additional actions the Secretary has taken or plans to take to ensure that total ownership cost is appropriately considered in the requirements process for major weapon systems.

Subtitle B—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 821. ENHANCED COMPETITION REQUIREMENTS FOR TASK AND DELIVERY ORDER CONTRACTS.

(a) LIMITATION ON SINGLE AWARD CONTRACTS.—Section 2304a(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) No task or delivery order contract in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

''(A) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

''(B) the task or delivery orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work;

''(C) the contract provides only for firm, fixed price task orders or delivery orders for—

''(i) products for which unit prices are established in the contract; or

''(ii) services for which prices are established in the contract for the specific tasks to be performed; or

''(D) only one contractor is qualified and capable of performing the work at a reasonable price to the government.''.

(b) ENHANCED COMPETITION FOR ORDERS IN EXCESS OF $5,000,000.—Section 2304c of such title is amended—

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

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

''(d) ENHANCED COMPETITION FOR ORDERS IN EXCESS OF $5,000,000.—In the case of a task or delivery order in excess of $5,000,000, the requirement to provide all contractors a fair opportunity to be considered under subsection (b) is not met unless all such contractors are provided, at a minimum—

''(1) a notice of the task or delivery order that includes a clear statement of the agency's requirements;

''(2) a reasonable period of time to provide a proposal in response to the notice;

''(3) disclosure of the significant factors and subfactors, including cost or price, that the agency expects to consider in evaluating such proposals, and their relative importance;

''(4) in the case of an award that is to be made on a best value basis, a written statement documenting the basis for the award and the relative importance of quality and price or cost factors; and

''(5) an opportunity for a post-award debriefing consistent with the requirements of section 2305(b)(5) of this title.''; and

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

''(e) PROTESTS.—(1) A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

''(A) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

''(B) a protest of an order valued in excess of $5,000,000.

''(2) Notwithstanding section 3556 of title 31, the Comptroller General of the United States shall have exclusive jurisdiction of a protest authorized under paragraph (1)(B).''.

(c) EFFECTIVE DATES.—

(1) SINGLE AWARD CONTRACTS.—The amendments made by subsection (a) shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to any contract awarded on or after such date.

(2) ORDERS IN EXCESS OF $5,000,000.—The amendments made by subsection (b) shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to any task or delivery order awarded on or after such date.

SEC. 822. CLARIFICATION OF RULES REGARDING THE PROCUREMENT OF COMMERCIAL ITEMS.

(a) TREATMENT OF SUBSYSTEMS, COMPONENTS, AND SPARE PARTS AS COMMERCIAL ITEMS.—

(1) IN GENERAL.—Section 2379 of title 10, United States Code, is amended—

(A) by striking subsection (b) and inserting the following new subsection (b):

''(b) TREATMENT OF SUBSYSTEMS AS COMMERCIAL ITEMS.—A subsystem of a major weapon system shall be treated as a commercial item and purchased under procedures established for the procurement of commercial items only if—

''(1) the subsystem is intended for a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (a);

''(2) the Secretary of Defense determines that—

''(A) the subsystem is a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

''(B) the treatment of the subsystem as a commercial item is necessary to meet national security objectives; or

''(3) the contractor demonstrates that it has sold, leased, or licensed the subsystem or an item that is the same as the subsystem, but for modifications described in subparagraphs (B) and (C) of section 4(12) of the Office of Federal Procurement Policy Act, in significant quantities to the general public.'';

(B) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(C) by inserting after subsection (b) the following new subsections (c) and (d):

''(c) TREATMENT OF COMPONENTS AND SPARE PARTS AS COMMERCIAL ITEMS.—A component or spare part for a major weapon system may be treated as a commercial item, and purchased under procedures established for the procurement of commercial items, only if—

''(1) the component or spare part is intended for—

''(A) a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (a); or

''(B) a subsystem of a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (b); or

''(2) the contractor demonstrates that it has sold, leased, or licensed the component or spare part, or an item that is the same as the component or spare part, but for modifications described in subparagraphs (B) and (C) of section 4(12) of the Office of Federal Procurement Policy Act, in significant quantities to the general public.

''(d) PRICE INFORMATION.—In the case of any major weapon system, subsystem, component, or spare part purchased under procedures established for the procurement of commercial items under the authority of this section, the contractor shall provide data other than certified cost or pricing data, including information on prices at which the same item or similar items have previously been sold to the general public, that is adequate for evaluating, through price analysis, the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract pursuant to which such major weapon system, subsystem, component or spare part, as the case may be, will be purchased.''.

(2) CONFORMING AMENDMENT TO TECHNICAL DATA PROVISION.—Section 2321(f)(2) of such title is amended by striking ''(whether or not under a contract for commercial items)'' and inserting ''(other than technical data for a subsystem, component, or spare part that is determined to be a commercial item in accordance with the requirements of section 2379 of this title)''.

(b) SALES OF COMMERCIAL ITEMS TO NONGOVERNMENTAL ENTITIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations of the Department of Defense on the procurement of commercial items in order to clarify that the terms ''general public'' and ''nongovernmental entities'' in such regulations do not include the following:

(1) The Federal Government or a State, local, or foreign government.

(2) A contractor or subcontractor acting on behalf of the Federal Government or a State, local, or foreign government.

(c) HARMONIZATION OF THRESHOLDS FOR COST OR PRICING DATA.—Section 2306a(b)(3)(A) of title 10, United States Code, is amended by striking ''$500,000'' and inserting ''the amount specified in subsection (a)(1)(A)(i), as adjusted from time to time under subsection (a)(7),''.

SEC. 823. CLARIFICATION OF RULES REGARDING THE PROCUREMENT OF COMMERCIAL SERVICES.

Notwithstanding section 8002(d) of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 264 note), the Secretary of Defense shall modify the regulations of the Department of Defense on procurements for or on behalf of the Department of Defense in order to prohibit the use of time and materials contracts or labor-hour contracts to purchase as commercial items any category of commercial services other than the following:

(1) Commercial services procured for support of a commercial item, as described in section 4(12)(E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(E)).

(2) Emergency repair services.

SEC. 824. MODIFICATION OF COMPETITION REQUIREMENTS FOR PURCHASES FROM FEDERAL PRISON INDUSTRIES.

(a) MODIFICATION OF COMPETITION REQUIREMENTS.—

(1) IN GENERAL.—Section 2410n of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections (a) and (b):

''(a) PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES DOES NOT HAVE SIGNIFICANT MARKET SHARE.—(1) Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(d) of title 18 for which Federal Prison Industries does not have a significant market share, the Secretary of Defense shall conduct market research to determine whether the product is comparable to products available from the private sector that best meet the needs of the Department in terms of price, quality, and time of delivery.

''(2) If the Secretary determines that a Federal Prison Industries product described in paragraph (1) is not comparable in price, quality, or time of delivery to products of the private sector that best meets the needs of the Department in terms of price, quality, and time of delivery, the Secretary shall use competitive procedures for the procurement of the product, or shall make an individual purchase under a multiple award contract in accordance with the competition requirements applicable to such contract. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries.

''(b) PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES HAS SIGNIFICANT MARKET SHARE.—(1) The Secretary of Defense may purchase a product listed in the latest edition of the Federal Prison Industries catalog for which Federal Prison Industries has a significant market share only if the Secretary uses competitive procedures for the procurement of the product or makes an individual purchase under a multiple award contract in accordance with the competition requirements applicable to such contract. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries.

''(2) For purposes of this subsection, Federal Prison Industries shall be treated as having a significant share of the market for a product if the Secretary, in consultation with the Administrator of Federal Procurement Policy, determines that the Federal Prison Industries' share of the Department of Defense market for the category of products including such product is greater than 5 percent.''.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of the enactment of this Act.

(b) LIST OF PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES HAS SIGNIFICANT MARKET SHARE.—

(1) INITIAL LIST.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall publish a list of product categories for which Federal Prison Industries' share of the Department of Defense market is greater than 5 percent, based on the most recent fiscal year for which data is available.

(2) MODIFICATION.—The Secretary may modify the list published under paragraph (1) at any time if the Secretary determines that new data require adding a product category to the list or omitting a product category from the list.

(3) CONSULTATION.—The Secretary shall carry out this subsection in consultation with the Administrator for Federal Procurement Policy.

SEC. 825. FIVE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2013''.

SEC. 826. MULTIYEAR PROCUREMENT AUTHORITY FOR ELECTRICITY FROM RENEWABLE ENERGY SOURCES.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410q. Multiyear procurement authority: purchase of electricity from renewable energy sources

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may enter into contracts for a period not to exceed 10 years for the purchase of electricity from sources of renewable energy, as that term is defined in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).

''(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The Secretary may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the Secretary determines, on the basis of a business case prepared by the Department of Defense that—

''(1) the proposed purchase of electricity under such contract is cost effective for the Department of Defense; and

''(2) it would not be possible to purchase electricity from the source in an economical manner without the use of a contract for a period in excess of five years.''.

(b) 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:

''2410q. Multiyear procurement authority: purchase of electricity from renewable energy sources.''.

Subtitle C—Acquisition Policy and Management

SEC. 841. JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) ADVISORS.—Section 181 of title 10, United States Code, is amended—

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

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

''(c) ADVISORS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense (Comptroller) shall serve as advisors to the Council on matters within their authority and expertise.''.

(b) CONSULTATION.—Section 2433(e)(2) of such title is amended by inserting '', after consultation with the Joint Requirements Oversight Council regarding program requirements,'' after ''Secretary of Defense'' in the matter preceding subparagraph (A).

SEC. 842. MANAGEMENT STRUCTURE FOR THE PROCUREMENT OF CONTRACT SERVICES.

(a) AUTHORITY TO ESTABLISH CONTRACT SUPPORT ACQUISITION CENTERS.—Subsection (b) of section 2330 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) Each senior official responsible for the management of acquisition of contract services is authorized to establish a center (to be known as a 'Contract Support Acquisition Center') to act as executive agent for the acquisition of contract services. Any center so established shall be subject to the provisions of subsection (c).''.

(b) DIRECTION, STAFF, AND SUPPORT.—Such section is further amended—

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

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

''(c) DIRECTION, STAFF, AND SUPPORT OF CONTRACT SUPPORT ACQUISITION CENTERS.—(1) The Contract Support Acquisition Center established by a senior official responsible for the management of acquisition of contract services under subsection (b)(4) shall be subject to the direction, supervision, and oversight of such senior official.

''(2) The Secretary of Defense or the Secretary of the military department concerned may transfer to a Contract Support Acquisition Center any personnel under the authority of such Secretary whose principal duty is the acquisition of contract services.

''(3)(A) Except as provided in subparagraph (E), the Secretary of Defense may accept from the head of a department or agency outside the Department of Defense a transfer to any Contract Support Acquisition Center under subsection (b)(4) of all or part of any organizational unit of such other department or agency that is primarily engaged in the acquisition of contract services if, during the most recent year for which data is available before such transfer, more than 50 percent of the contract services acquired by such organizational unit (as determined on the basis of cost) were acquired on behalf of the Department of Defense.

''(B) The head of a department or agency outside the Department of Defense may transfer in accordance with this paragraph an organizational unit that is authorized to be accepted under subparagraph (A).

''(C) A transfer under this paragraph may be made and accepted only pursuant to a memorandum of understanding entered into by the head of the department or agency making the transfer and the Secretary of Defense.

''(D) A transfer of an organizational unit under this paragraph shall include the transfer of the personnel of such organizational unit, the assets of such organizational unit, and the contracts of such organizational unit, to the extent provided in the memorandum of understanding governing the transfer of the unit.

''(E) This paragraph does not authorize a transfer of the multiple award schedule program of the General Services Administration as described in section 2302(2)(C) of this title.''.

SEC. 843. SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES.

(a) SPECIFICATION OF AMOUNTS REQUESTED.—The budget justification materials submitted to Congress in support of the budget of the Department of Defense for any fiscal year after fiscal year 2008 shall identify clearly and separately the amounts requested in each budget account for the procurement of contract services.

(b) CONTRACT SERVICES DEFINED.—In this section, the term ''contract services''—

(1) means services from contractors; but

(2) excludes services relating to research and development and services relating to military construction.

SEC. 844. DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) PURPOSE.—The purpose of this section is to ensure that the Department of Defense acquisition workforce has the capacity, in both personnel and skills, needed to properly perform its mission, provide appropriate oversight of contractor performance, and ensure that the Department receives the best value for the expenditure of public resources.

(b) DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—The Secretary of Defense shall establish a fund to be known as the ''Department of Defense Acquisition Workforce Fund'' (in this section referred to as the ''Fund'') to provide funds for the recruitment, training, and retention of acquisition personnel of the Department of Defense for the purpose of this section.

(2) MANAGEMENT.—The Fund shall be managed by a senior official of the Department of Defense designated by the Secretary for that purpose.

(c) ELEMENTS.—

(1) IN GENERAL.—The Fund shall consist of amounts as follows:

(A) Amounts credited to the Fund under paragraph (2).

(B) Any other amounts appropriated to, credited to, or deposited into the Fund by law.

(2) CREDITS TO THE FUND.—(A) There shall be credited to the Fund an amount equal to the applicable percentage for a fiscal year of all amounts expended by the Department of Defense in such fiscal year for contract services, other than services relating to research and development and services relating to military construction.

(B) Not later than 30 days after the end of the first fiscal year quarter of fiscal year 2008, and 30 days after the end of each fiscal year quarter thereafter, the head of each military department and Defense Agency shall remit to the Secretary of Defense an amount equal to the applicable percentage for such fiscal year of the amount expended by such military department or Defense Agency, as the case may be, during such fiscal year quarter for services covered by subparagraph (A). Any amount so remitted shall be credited to the Fund under subparagraph (A).

(C) For purposes of this paragraph, the applicable percentage for a fiscal year is a percentage as follows:

(i) For fiscal year 2008, 0.5 percent.

(ii) For fiscal year 2009, 1 percent.

(iii) For fiscal year 2010, 1.5 percent.

(iv) For any fiscal year after fiscal year 2010, 2 percent.

(d) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Subject to the provisions of this subsection, amounts in the Fund shall be available to the Secretary of Defense for expenditure, or for transfer to a military department or Defense Agency, for the recruitment, training, and retention of acquisition personnel of the Department of Defense for the purpose of this section, including for the provision of training and retention incentives to the acquisition workforce of the Department as of the date of the enactment of this Act.

(2) LIMITATION ON PAYMENTS TO OR FOR CONTRACTORS.—Amounts in the Fund shall not be available for payments to contractors or contractor employees, other than for the purpose of providing training to Department of Defense employees.

(3) PROHIBITION ON PAYMENT OF BASE SALARY OF CURRENT EMPLOYEES.—Amounts in the Fund may not be used to pay the base salary of any person who is an employee of the Department as of the date of the enactment of this Act.

(4) DURATION OF AVAILABILITY.—Amounts credited to the Fund under subsection (c)(2) shall remain available for expenditure in the fiscal year for which credited and the two succeeding fiscal years.

(e) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the Fund during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A statement of the amounts remitted to the Secretary for crediting to the Fund for such fiscal year by each military department and Defense Agency, and a statement of the amounts credited to the Fund for such fiscal year.

(2) A description of the expenditures made from the Fund (including expenditures following a transfer of amounts in the Fund to a military department or Defense Agency) in such fiscal year, including the purpose of such expenditures.

(3) A description and assessment of improvements in the Department of Defense acquisition workforce resulting from such expenditures.

(4) A statement of the balance remaining in the Fund at the end of such fiscal year.

(f) DEFENSE AGENCY DEFINED.—In this section, the term ''Defense Agency'' has the meaning given that term in section 101(a) of title 10, United States Code.

(g) EXPEDITED HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(A) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

(B) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(2) SUNSET.—The Secretary may not appoint a person to a position of employment under this subsection after September 30, 2012.

SEC. 845. INVENTORIES AND REVIEWS OF CONTRACTS FOR SERVICES BASED ON COST OR TIME OF PERFORMANCE.

(a) PREPARATION OF LISTS OF ACTIVITIES UNDER CONTRACTS FOR SERVICES.—

(1) PREPARATION OF LISTS.—Not later than the end of the third quarter of each fiscal

year beginning with fiscal year 2008, the Secretary of each military department and the head of each Defense Agency shall submit to the Secretary of Defense a list of the activities performed during the preceding fiscal year pursuant to contracts for services for or on behalf of such military department or Defense Agency, as the case may be, under which the contractor is paid on the basis of the cost or time of performance, rather than specific tasks performed or results achieved.

(2) LIST ELEMENTS.—The entry for an activity on a list under paragraph (1) shall include, for the fiscal year covered by such entry, the following:

(A) The fiscal year for which the activity first appeared on a list under this section.

(B) The number of full-time contractor employees (or its equivalent) paid for the performance of the activity.

(C) A determination whether the contract pursuant to which the activity is performed is a personal services contract.

(D) The name of the Federal official responsible for the management of the contract pursuant to which the activity is performed.

(E) With respect to a list for a fiscal year after fiscal year 2008, information on plans and written determinations made pursuant to subsection (c)(2).

(b) PUBLIC AVAILABILITY OF LISTS.—Not later than 30 days after the date on which lists are required to be submitted to the Secretary of Defense under subsection (a), the Secretary shall—

(1) transmit to the congressional defense committees a copy of the lists so submitted to the Secretary;

(2) make such lists available to the public; and

(3) publish in the Federal Register a notice that such lists are available to the public.

(c) REVIEW AND PLANNING REQUIREMENTS.—

(1) REVIEW OF LISTS.—Within a reasonable time after the date on which a notice of the public availability of a list is published under subsection (b)(3), the Secretary of the military department or head of the Defense Agency concerned shall—

(A) review the contracts and activities included on the list;

(B) ensure that—

(i) each contract on the list that is a personal services contract has been entered into, and is being performed, in accordance with applicable statutory and regulatory requirements;

(ii) the activities on the list do not include any inherently governmental functions; and

(iii) to the maximum extent practicable, the activities on the list do not include any functions closely associated with inherently governmental functions; and

(C) for each activity on the list, either—

(i) develop a plan to convert the activity to performance by Federal employees, convert the contract to a performance-based contract, or terminate the activity; or

(ii) make a written determination that it is not practicable for the military department or Defense Agency, as the case may be, to take any of the actions otherwise required under clause (i).

(2) ELEMENTS OF DETERMINATION.—A written determination pursuant to subparagraph (B)(ii) shall be accompanied by—

(A) a statement of the basis for the determination; and

(B) a description of the resources that will be made available to ensure adequate planning, management, and oversight for each contract covered by the determination.

(d) CHALLENGES TO LISTS.—

(1) IN GENERAL.—An interested party may submit to the Secretary of the military department or head of the Defense Agency concerned a challenge to the omission of a particular activity from, or the inclusion of a particular activity on, a list made available to the public under subsection (b).

(2) INTERESTED PARTY DEFINED.—In this subsection, the term ''interested party'', with respect to an activity referred to in subsection (a), means—

(A) the contractor performing the activity;

(B) an officer or employee of an organization within the military department or Defense Agency concerned that is responsible for the performance of the activity; or

(C) the head of any labor organization referred to in section 7103(a)(4) of title 5, United States Code, that includes within its membership officers or employees or an organization described in subparagraph (B).

(3) DEADLINE FOR CHALLENGE.—A challenge to a list shall be submitted under paragraph (1) not later than 30 days after the date of the publication of the notice of public availability of the list under subsection (b)(3).

(4) RESOLUTION OF CHALLENGE.—Not later than 30 days of the receipt by the Secretary of a military department or head of a Defense Agency of a challenge to a list under this subsection, an official designated by the Secretary of the military department or the head of the Defense Agency, as the case may be, shall—

(A) determine whether or not the challenge is valid; and

(B) submit to the interested party concerned a written notification of the determination, together with a discussion of the rationale for the determination.

(5) ACTION FOLLOWING DETERMINATION OF VALID CHALLENGE.—If the Secretary of a military department or head of a Defense Agency determines under paragraph (4)(A) that a challenge under this subsection to a list under this section is valid, such official shall—

(A) notify the Secretary of Defense of the determination; and

(B) adjust the next list submitted by such official under subsection (a) after the date of the determination to reflect the resolution of the challenge.

(e) RULES OF CONSTRUCTION.—

(1) NO AUTHORIZATION OF PERFORMANCE OF PERSONAL SERVICES.—Nothing in this section shall be construed to authorize the performance of personal services by a contractor except where expressly authorized by a provision of statute other than this section.

(2) NO PUBLIC-PRIVATE COMPETITION FOR CONVERSION OF PERFORMANCE OF CERTAIN FUNCTIONS.—No public-private competition may be required under this section, Office of Management and Budget Circular A–76, or any other provision of law or regulation before a function closely associated with inherently governmental functions is converted to performance by Federal employees.

(f) DEFINITIONS.—In this section:

(1) The term ''Defense Agency'' has the meaning given that term in section 101(a) of title 10, United States Code.

(2) The term ''function closely associated with inherently governmental functions'' has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(3) The term ''inherently governmental functions'' has the meaning given that term in section 2383(b)(2) of title 10, United States Code.

(4) The term ''personal services contract'' means a contract under which, as a result of its terms or conditions or the manner of its administration during performance, contractor personnel are subject to the relatively continuous supervision and control of one or more Government officers or employees, except that the giving of an order for a specific article or service, with the right to reject the finished product or result, is not the type of supervision or control that makes a contract a personal services contract.

SEC. 846. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) LIMITATION ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—Except as provided in subsection (b), no official of the Department of Defense may place an order, make a purchase, or otherwise procure property or services for the Department of Defense in an amount in excess of $100,000 through a non-defense agency in any fiscal year if—

(1) the head of the non-defense agency has not certified that the non-defense agency will comply with defense procurement requirements during that fiscal year;

(2) in the case of a covered non-defense agency that has been determined under this section to be not compliant with defense procurement requirements, such determination has not been terminated in accordance with subsection (c); or

(3) in the case of a covered non-defense agency for which a memorandum of understanding is required by subsection (e)(4), the Inspector General of the Department of Defense and the Inspector General of the non-defense agency have not yet entered into such a memorandum of understanding.

(b) EXCEPTION FOR PROCUREMENTS OF NECESSARY PROPERTY AND SERVICES.—

(1) IN GENERAL.—The limitation in subsection (a) shall not apply to the procurement of property and services on behalf of the Department of Defense by a non-defense agency during any fiscal year for which there is in effect a written determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics that it is necessary in the interest of the Department of Defense to procure property and services through the non-defense agency during such fiscal year.

(2) SCOPE OF PARTICULAR EXCEPTION.—A written determination with respect to a non-defense agency under paragraph (1) shall apply to any category of procurements through the non-defense agency that is specified in the determination.

(c) TERMINATION OF APPLICABILITY OF CERTAIN LIMITATION.—In the event the limitation under subsection (a)(2) applies to a covered non-defense agency, the limitation shall cease to apply to the non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of the non-defense agency jointly—

(1) determine that the non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(d) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a non-defense agency is compliant with defense procurement requirements if the procurement policies, procedures, and internal controls of the non-defense agency applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure the compliance of the non-defense agency with the requirements of laws and regulations (including applicable Department of Defense financial management regulations) that apply to procurements of property and services made directly by the Department of Defense.

(e) INSPECTORS GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than the date specified in paragraph (2), jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of such policies, procedures, and internal controls; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(2) DEADLINE FOR REVIEWS AND DETERMINATIONS.—The reviews and determinations required by paragraph (1) shall take place as follows:

(A) In the case of the General Services Administration, by not later than March 15, 2010.

(B) In the case of each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration, by not later than March 15, 2011.

(C) In the case of each of the Department of Veterans Affairs and the National Institutes of Health, by not later than March 15, 2012.

(3) SEPARATE REVIEWS AND DETERMINATIONS.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by joint agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of the non-defense agency. If such separate reviews are conducted, the Inspectors General shall make a separate determination under paragraph (1)(B) with respect to each such separate review.

(4) MEMORANDA OF UNDERSTANDING FOR REVIEWS AND DETERMINATIONS.—Not later than one year before a review and determination is required under this subsection with respect to a covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of the covered non-defense agency shall enter into a memorandum of understanding with each other to carry out such review and determination.

(f) TREATMENT OF PROCUREMENTS FOR FISCAL YEAR PURPOSES.—For the purposes of this section, a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for the procurement in that fiscal year.

(g) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (c) or (e), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(h) DEFINITIONS.—In this section:

(1) The term ''covered non-defense agency'' means each of the following:

(A) The General Services Administration.

(B) The Department of the Treasury.

(C) The Department of the Interior.

(D) The National Aeronautics and Space Administration.

(E) The Department of Veterans Affairs.

(F) The National Institutes of Health.

(2) The term ''governmentwide acquisition contract'', with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

Subtitle D—Department of Defense Contractor Matters

SEC. 861. PROTECTION FOR CONTRACTOR EMPLOYEES FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

(a) INCREASED PROTECTION FROM REPRISAL.—Subsection (a) of section 2409 of title 10, United States Code, is amended—

(1) by striking ''disclosing to a Member of Congress or an authorized official of an agency or the Department of Justice'' and inserting ''disclosing to a Member of Congress, a representative of a committee of Congress, an Inspector General, the Government Accountability Office, a Department of Defense employee responsible for contract oversight or management, or an authorized official of an agency or the Department of Justice, including in the case of a disclosure made in the ordinary course of an employee's duties,''; and

(2) by striking ''information relating to a substantial violation of law related to a contract'' and inserting ''information that the employee reasonably believes is evidence of gross mismanagement of a Department of Defense contract, a gross waste of Department of Defense funds, a substantial and specific danger to public health or safety, or a violation of law related to a Department of Defense contract''.

(b) ACCELERATION OF SCHEDULE FOR DENYING RELIEF OR PROVIDING REMEDY.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by inserting after ''(1)'' the following: ''Not later than 90 days after receiving an Inspector General report pursuant to subsection (b), the head of the agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited under subsection (a).''; and

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

''(D) In the event the disclosure relates to a cost-plus contract, prohibit the contractor from receiving one or more award fee payments to which the contractor would otherwise be eligible until such time as the contractor takes the actions ordered by the head of the agency pursuant to subparagraphs (A) through (C).

''(E) Take the reprisal into consideration in any past performance evaluation of the contractor for the purpose of a contract award.'';

(2) by redesignating paragraph (3) as paragraph (4); and

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

''(3)(A) In the case of a disclosure that relates to a contract covered under subsection (f), not later than 90 days after receipt of a written determination under paragraph (1), a complainant who is aggrieved by the determination or by an action that the agency head has taken or failed to take pursuant to such determination may bring an action at law or equity for de novo review to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

''(B) In the event that a determination by an agency head pursuant to paragraph (1) has not been made within 15 months after a complaint is submitted under subsection (b), and such delay is not shown to be due to the bad faith of the complainant, the complainant shall be deemed to have exhausted the complainant's administrative remedies with respect to the complaint and may bring an action at law or equity described under subparagraph (A).''.

(c) LEGAL BURDEN OF PROOF.—Such section is further amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following new subsection:

''(e) LEGAL BURDEN OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an inspector general, decision by the head of an agency, or hearing to determine whether discrimination prohibited under this section has occurred.''.

(d) REQUIREMENT TO NOTIFY EMPLOYEES OF RIGHTS RELATED TO PROTECTION FROM REPRISAL.—Such section, as amended by subsection (c), is further amended by inserting after subsection (e) the following new subsection:

''(f) NOTICE OF RIGHTS RELATED TO PROTECTION FROM REPRISAL.—

''(1) IN GENERAL.—Each Department of Defense contract in excess of $5,000,000, other than a contract for the purchase of commercial items, shall include a clause requiring the contractor to ensure that all employees of the contractor who are working on Department of Defense contracts are notified of—

''(A) their rights under this section;

''(B) the fact that the restrictions imposed by any employee contract, employee agreement, or non-disclosure agreement may not supersede, conflict with, or otherwise alter the employee rights provided for under this section; and

''(C) the telephone number for the whistleblower hotline of the Inspector General of the Department of Defense.

''(2) FORM OF NOTICE.—The notice required by paragraph (1) shall be made by posting the required information at a prominent place in each workplace where employees working on the contract regularly work.''.

SEC. 862. REQUIREMENTS FOR DEFENSE CONTRACTORS RELATING TO CERTAIN FORMER DEPARTMENT OF DEFENSE OFFICIALS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by section 826 of this Act, is further amended by adding at the end the following new section:

''§ 2410r. Defense contractors: requirements concerning former Department of Defense officials

''(a) IN GENERAL.—Each contract for the procurement of goods or services in excess of $10,000,000, other than a contract for the procurement of commercial items, that is entered into by the Department of Defense shall include a provision under which the contractor agrees to submit to the Secretary of Defense, not later than April 1 of each year such contract is in effect, a written report setting forth the information required by subsection (b).

''(b) REPORT INFORMATION.—Except as provided in subsection (c), a report by a contractor under subsection (a) shall—

''(1) list the name of each person who—

''(A) is a former officer or employee of the Department of Defense or a former or retired member of the armed forces who served—

''(i) in an Executive Schedule position under subchapter II of chapter 53 of title 5;

''(ii) in a position in the Senior Executive Service under subchapter VIII of chapter 53 of title 5;

''(iii) in a general or flag officer position compensated at a rate of pay for grade 0–7 or above under section 201 of title 37; or

''(iv) as a program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team for a contract with a value in excess of $10,000,000; and

''(B) during the preceding calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor not more than two years after such officer, employee, or member left service in the Department of Defense; and

''(2) in the case of each person listed under paragraph (1)—

''(A) identify the agency in which such person was employed or served on active duty during the last two years of such person's service with the Department of Defense;

''(B) state such person's job title and identify each major defense system, if any, on which such person performed any work with the Department of Defense during the last two years of such person's service with the Department; and

''(C) state such person's current job title with the contractor and identify each major defense system on which such person has performed any work on behalf of the contractor.

''(c) DUPLICATE INFORMATION NOT REQUIRED.—An annual report submitted by a contractor pursuant to subsection (b) need not provide information with respect to any former officer or employee of the Department of Defense or former or retired member of the armed forces if such information has already been provided in a previous annual report filed by such contractor under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as so amended, is further amended by adding at the end the following new item:

''2410r. Defense contractors: requirements concerning former Department of Defense officials.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

SEC. 863. REPORT ON CONTRACTOR ETHICS PROGRAMS OF MAJOR DEFENSE CONTRACTORS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the internal ethics programs of major defense contractors.

(b) ELEMENTS.—The report required by subsection (a) shall address, at a minimum—

(1) the extent to which major defense contractors have internal ethics programs in place;

(2) the extent to which the ethics programs described in paragraph (1) include—

(A) the availability of internal mechanisms, such as hotlines, for contractor employees to report conduct that may violate applicable requirements of law or regulation;

(B) notification to contractor employees of the availability of external mechanisms, such as the hotline of the Inspector General of the Department of Defense, for the reporting of conduct that may violate applicable requirements of law or regulation;

(C) notification to contractor employees of their right to be free from reprisal for disclosing a substantial violation of law related to a contract, in accordance with section 2409 of title 10, United States Code;

(D) ethics training programs for contractor officers and employees;

(E) internal audit or review programs to identify and address conduct that may violate applicable requirements of law or regulation;

(F) self-reporting requirements, under which contractors report conduct that may violate applicable requirements of law or regulation to appropriate government officials;

(G) disciplinary action for contractor employees whose conduct is determined to have violated applicable requirements of law or regulation; and

(H) appropriate management oversight to ensure the successful implementation of such ethics programs;

(3) the extent to which the Department of Defense monitors or approves the ethics programs of major defense contractors; and

(4) the advantages and disadvantages of legislation requiring that defense contractors develop internal ethics programs and requiring that specific elements be included in such ethics programs.

(c) ACCESS TO INFORMATION.—In accordance with the contract clause required pursuant to section 2313(c) of title 10, United States Code, each major defense contractor shall provide the Comptroller General access to information requested by the Comptroller General that is within the scope of the report required by this section.

(d) MAJOR DEFENSE CONTRACTOR DEFINED.—In this section, the term ''major defense contractor'' means any company that received more than $500,000,000 in contract awards from the Department of Defense during fiscal year 2006.

SEC. 864. REPORT ON DEPARTMENT OF DEFENSE CONTRACTING WITH CONTRACTORS OR SUBCONTRACTORS EMPLOYING MEMBERS OF THE SELECTED RESERVE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on contracting with the Department of Defense by actual and potential contractors and subcontractors of the Department who employ members of the Selected Reserve of the reserve components of the Armed Forces.

(b) ELEMENTS.—The study required by subsection (a) shall address the following:

(1) The extent to which actual and potential contractors and subcontractors of the Department, including small businesses, employ members of the Selected Reserve.

(2) The extent to which actual and potential contractors and subcontractors of the Department have been or are likely to be disadvantaged in the performance of contracts with the Department, or in competition for new contracts with the Department, when employees who are such members are mobilized as part of a United States military operation overseas.

(3) Any actions that, in the view of the Secretary, should be taken to address any such disadvantage, including—

(A) the extension of additional time for the performance of contracts to contractors and subcontractors of the Department who employ members of the Selected Reserve who are mobilized as part of a United States military operation overseas; and

(B) the provision of assistance in forming contracting relationships with other entities to ameliorate the temporary loss of qualified personnel.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study required by this section. The report shall set forth the findings and recommendations of the Secretary as a result of the study.

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3385; 10 U.S.C. 2305 note) is repealed.

Subtitle E—Other Matters

SEC. 871. CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

(a) REGULATIONS ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations on the selection, training, equipping, and conduct of personnel performing private security functions under a covered contract or covered subcontract in an area of combat operations.

(2) ELEMENTS.—The regulations prescribed under subsection (a) shall, at a minimum, establish—

(A) a process for registering, processing, and accounting for personnel performing private security functions in an area of combat operations;

(B) a process for authorizing and accounting for weapons to be carried by, or available to be used by, personnel performing private security functions in an area of combat operations;

(C) a process for the reporting of all incidents in which—

(i) a weapon is discharged by personnel performing private security functions in an area of combat operations; or

(ii) personnel performing private security functions in an area of combat operations are killed or injured;

(D) a process for investigating—

(i) incidents reported pursuant to subparagraph (C); and

(ii) incidents of alleged misconduct by personnel performing private security functions in an area of combat operations;

(E) qualification, training, screening, and security requirements for personnel performing private security functions in an area of combat operations;

(F) guidance to the commanders of the combatant commands on the issuance of—

(i) orders, directives, and instructions to contractors and subcontractors performing private security functions relating to force protection, security, health, safety, or relations and interaction with locals; and

(ii) rules of engagement for personnel performing private security functions in an area of combat operations; and

(G) a process by which a commander of a combatant command may request an action described in subsection (b)(3).

(b) CONTRACT CLAUSE ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS.—

(1) REQUIREMENT UNDER FAR.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to require the insertion into each covered contract and covered subcontract of a contract clause addressing the selection, training, equipping, and conduct of personnel performing private security functions under such contract or subcontract.

(2) CLAUSE REQUIREMENT.—The contract clause required by paragraph (1) shall require, at a minimum, that the contractor or subcontractor concerned shall—

(A) comply with Department of Defense procedures for—

(i) registering, processing, and accounting for personnel performing private security functions in an area of combat operations;

(ii) authorizing and accounting of weapons to be carried by, or available to be used by, personnel performing private security functions in an area of combat operations; and

(iii) the reporting of incidents in which—

(I) a weapon is discharged by personnel performing private security functions in an area of combat operations; or

(II) personnel performing private security functions in an area of combat operations are killed or injured;

(B) ensure that all personnel performing private security functions under such contract or subcontract comply with—

(i) qualification, training, screening, and security requirements established by the Secretary of Defense for personnel performing private security functions in an area of combat operations;

(ii) applicable laws and regulations of the United States and the host country, and applicable treaties and international agreements, regarding the performance of the functions of the contractor or subcontractor;

(iii) orders, directives, and instructions issued by the applicable commander of a combatant command relating to force protection, security, health, safety, or relations and interaction with locals; and

(iv) rules of engagement issued by the applicable commander of a combatant command for personnel performing private security functions in an area of combat operations; and

(C) cooperate with any investigation conducted by the Department of Defense pursuant to subsection (a)(2)(D) by providing access to employees of the contractor or subcontractor, as the case may be, and relevant information in the possession of the contractor or subcontractor, as the case may be, regarding the incident concerned.

(3) NONCOMPLIANCE OF PERSONNEL WITH CLAUSE.—The contracting officer for a covered contract or subcontract may direct the contractor or subcontractor, at its own expense, to remove or replace any personnel performing private security functions in an area of combat operations who violate or fail to comply with applicable requirements of the clause required by this subsection. If the violation or failure to comply is significant or repeated, the contract or subcontract may be terminated for default.

(4) APPLICABILITY.—The contract clause required by this subsection shall be included in all covered contracts and covered subcontracts awarded on or after the date that is 180 days after the date of the enactment of this Act. Federal agencies shall make best efforts to provide for the inclusion of the contract clause required by this subsection in covered contracts and covered subcontracts awarded before such date.

(c) AREAS OF COMBAT OPERATIONS.—

(1) DESIGNATION.—The Secretary of Defense shall designate the areas constituting an area of combat operations for purposes of this section by not later than 120 days after the date of the enactment of this Act.

(2) PARTICULAR AREAS.—Iraq and Afghanistan shall be included in the areas designated as an area of combat operations under paragraph (1).

(3) ADDITIONAL AREAS.—The Secretary may designate any additional area as an area constituting an area of combat operations for purposes of this section if the Secretary determines that the presence or potential of combat operations in such area warrants designation of such area as an area of combat operations for purposes of this section.

(4) MODIFICATION OR ELIMINATION OF DESIGNATION.—The Secretary may modify or cease the designation of an area under this subsection as an area of combat operations if the Secretary determines that combat operations are no longer ongoing in such area.

(d) DEFINITIONS.—In this section:

(1) The term ''covered contract'' means a contract of a Federal agency for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c).

(2) The term ''covered subcontract'' means a subcontract for the performance of private security functions at any tier under a covered contract.

(3) The term ''private security functions'' means activities engaged in by a contractor or subcontractor under a covered contract or subcontract as follows:

(A) Guarding of personnel, facilities, or property of a Federal agency, the contractor or subcontractor, or a third party.

(B) Any other activity for which personnel are required to carry weapons in the performance of their duties.

SEC. 872. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military operations or stability operations in Iraq or Afghanistan (including security, transition, reconstruction, and humanitarian relief activities) for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from Iraq or Afghanistan;

(2) procedures other than competitive procedures are used to award a contract to a particular source or sources from Iraq or Afghanistan; or

(3) a preference is provided for products or services that are from Iraq or Afghanistan.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by the military forces, police, or other security personnel of Iraq or Afghanistan; or

(2) it is in the national security interest of the United States to limit competition, use procedures other than competitive procedures, or provide a preference as described in subsection (a) because—

(A) such limitation, procedure, or preference is necessary to provide a stable source of jobs in Iraq or Afghanistan; and

(B) such limitation, procedure, or preference will not adversely affect—

(i) military operations or stability operations in Iraq or Afghanistan; or

(ii) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM IRAQ OR AFGHANISTAN.—For the purposes of this section:

(1) A product is from Iraq or Afghanistan if it is mined, produced, or manufactured in Iraq or Afghanistan.

(2) A service is from Iraq or Afghanistan if it is performed in Iraq or Afghanistan by citizens or permanent resident aliens of Iraq or Afghanistan.

(3) A source is from Iraq or Afghanistan if it—

(A) is located in Iraq or Afghanistan; and

(B) offers products or services that are from Iraq or Afghanistan.

SEC. 873. DEFENSE SCIENCE BOARD REVIEW OF DEPARTMENT OF DEFENSE POLICIES AND PROCEDURES FOR THE ACQUISITION OF INFORMATION TECHNOLOGY.

(a) REVIEW REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a review of Department of Defense policies and procedures for the acquisition of information technology.

(b) MATTERS TO BE ADDRESSED.—The matters addressed by the review required by subsection (a) shall include the following:

(1) Department of Defense policies and procedures for acquiring national security systems, business information systems, and other information technology.

(2) The roles and responsibilities in implementing such policies and procedures of—

(A) the Under Secretary of Defense for Acquisition, Technology, and Logistics;

(B) the Chief Information Officer of the Department of Defense;

(C) the Director of the Business Transformation Agency;

(D) the service acquisition executives;

(E) the chief information officers of the military departments;

(F) Defense Agency acquisition officials; and

(G) the information officers of the Defense Agencies.

(3) The application of such policies and procedures to information technologies that are an integral part of weapons or weapon systems.

(4) The requirements of the Clinger-Cohen Act (division E of Public Law 104–106) and the Paperwork Reduction Act of 1995 regarding performance-based and results-based management, capital planning, and investment control in the acquisition of information technology.

(5) Department of Defense policies and procedures for maximizing the usage of commercial information technology while ensuring the security of the microelectronics, software, and networks of the Department.

(6) The suitability of Department of Defense acquisition regulations, including Department of Defense Directive 5000.1 and the accompanying milestones, to the acquisition of information technology systems.

(7) The adequacy and transparency of performance metrics currently used by the Department of Defense for the acquisition of information technology systems.

(8) The effectiveness of existing statutory and regulatory reporting requirements for the acquisition of information technology systems.

(c) REPORT REQUIRED.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the review required by subsection (a). The report shall include the findings and recommendations of the Defense Science Board pursuant to the review, including such recommendations for legislative or administrative action as the Board considers appropriate, together with any comments the Secretary considers appropriate.

SEC. 874. ENHANCEMENT AND EXTENSION OF ACQUISITION AUTHORITY FOR THE UNIFIED COMBATANT COMMAND FOR JOINT WARFIGHTING EXPERIMENTATION.

(a) SUSTAINMENT OF EQUIPMENT.—

(1) IN GENERAL.—Subsection (a) of section 167a of title 10, United States Code, is amended by striking ''and acquire'' and inserting '', acquire, and sustain''.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section is amended in the matter preceding paragraph (1) by striking ''or acquisition'' and inserting '', acquisition, or sustainment''.

(b) TWO-YEAR EXTENSION.—Subsection (f) of such section is amended—

(1) by striking ''through 2008'' and inserting ''through 2010''; and

(2) by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

SEC. 875. REPEAL OF REQUIREMENT FOR IDENTIFICATION OF ESSENTIAL MILITARY ITEMS AND MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL.

(a) REPEAL.—Section 130a of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130a.

SEC. 902. CHIEF MANAGEMENT OFFICERS OF THE DEPARTMENT OF DEFENSE.

(a) SERVICE OF DEPUTY SECRETARY OF DEFENSE AS CHIEF MANAGEMENT OFFICER OF DEPARTMENT OF DEFENSE.—Section 132 of title 10, United States Code, is amended—

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

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

''(c)(1) The Deputy Secretary—

''(A) serves as the Chief Management Officer of the Department of Defense; and

''(B) is the principal adviser to the Secretary of Defense on matters relating to the management of the Department of Defense, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of Defense that relate to the performance of the following functions:

''(i) Planning and budgeting, including performance measurement.

''(ii) Acquisition.

''(iii) Logistics.

''(iv) Facilities, installations, and environment.

''(v) Financial management.

''(vi) Human resources and personnel.

''(vii) Management of information resources, including information technology, networks, and telecommunications functions.

''(2) In carrying out the duties of Chief Management Officer of the Department of Defense, the Deputy Secretary shall—

''(A) develop and maintain a departmentwide strategic plan for business reform identifying key initiatives to be undertaken by the Department of Defense and its components, together with related resource needs;

''(B) establish performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of Defense;

''(C) monitor the progress of the Department of Defense and its components in meeting performance goals and measures established pursuant to subparagraph (B);

''(D) review and approve plans and budgets for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A);

''(E) oversee the development of, and review and approve, all budget requests for defense business systems, including the information to be submitted to Congress under section 2222(h) of this title; and

''(F) subject to the authority, direction, and control of the Secretary of Defense, perform the responsibilities of the Secretary under section 2222 of this title.

''(3) The Deputy Secretary exercises the authority of the Secretary of Defense in the performance of the duties of Chief Management Officer of the Department of Defense under this subsection subject to the authority, direction, and control of the Secretary. The exercise of that authority is binding on the Secretaries of the military departments and the heads of the other elements and components of the Department of Defense.''.

(b) DEPUTY CHIEF MANAGEMENT OFFICER.—

(1) IN GENERAL.—Chapter 4 of such title is amended by inserting after section 133b the following new section:

''§ 133c. Under Secretary of Defense for Management (Deputy Chief Management Officer)

''(a) There is an Under Secretary of Defense for Management (Deputy Chief Management Officer), appointed from civilian life by the President, by and with the advice and consent of the Senate, from among persons who have—

''(1) extensive executive level leadership and management experience in the public or private sector;

''(2) strong leadership skills;

''(3) a demonstrated ability to manage large and complex organizations; and

''(4) a record of achieving positive operational results.

''(b) The Under Secretary of Defense for Management (Deputy Chief Management Officer) shall assist the Deputy Secretary of Defense in the performance of his duties as Chief Management Officer. The Under Secretary of Defense for Management (Deputy Chief Management Officer) shall act for, and exercise the powers of, the Chief Management Officer when the Deputy Secretary is absent or disabled or there is no Deputy Secretary.

''(c)(1) With respect to all matters for which he has responsibility by law or by direction of the Secretary of Defense, the Under Secretary of Defense for Management (Deputy Chief Management Officer) takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.

''(2) With respect to all matters other than matters for which he has responsibility by law or by direction of the Secretary of Defense, the Under Secretary takes precedence in the Department of Defense after the Secretaries of the military departments and the Under Secretary of Defense for Acquisition, Technology, and Logistics.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 133b the following new item:

''133c. Under Secretary of Defense for Management (Deputy Chief Management Officer).''.

(3) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Defense for Intelligence the following new item:

''Under Secretary of Defense for Management (Deputy Chief Management Officer).''.

(4) PLACEMENT IN OSD.—Section 131(b)(2) of title 10, United States Code, is amended—

(A) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) The Under Secretary of Defense for Management (Deputy Chief Management Officer).''.

(5) CONFORMING AMENDMENT.—Section 134(c) of such title is amended by striking ''the Secretary of Defense'' and all that follows and inserting ''the Under Secretary of Defense for Management (Deputy Chief Management Officer).''.

(c) CHIEF MANAGEMENT OFFICERS OF THE MILITARY DEPARTMENTS.—

(1) DEPARTMENT OF THE ARMY.—Section 3015 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Under Secretary serves as the Chief Management Officer of the Department of the Army.

''(2) The Under Secretary is the principal adviser to the Secretary of the Army on matters relating to the management of the Department of the Army, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of the Army that relate to the performance of the following functions:

''(A) Planning and budgeting, including performance measurement.

''(B) Acquisition.

''(C) Logistics.

''(D) Facilities, installations, and environment.

''(E) Financial management.

''(F) Human resources and personnel.

''(G) Management of information resources, including information technology, networks, and telecommunications functions.

''(3) Subject to the direction and oversight of the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense, the Under Secretary shall be responsible for—

''(A) developing and maintaining a strategic plan for business reform that identifies key initiatives to be undertaken by the Department of the Army for business reform, together with related resource needs;

''(B) establishing performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of the Army;

''(C) monitoring the progress of the Department of the Army and its components in meeting the performance goals and measures established pursuant to subparagraph (B);

''(D) reviewing and approving the plans and budgets of the Department of the Army for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A); and

''(E) overseeing the development of, and reviewing and approving, all budget requests for defense business systems by the Department of the Army, including the information to be submitted to Congress under section 2222(h) of this title.''.

(2) DEPARTMENT OF THE NAVY.—Section 5015 of such title is amended by adding at the end the following new subsection:

''(c)(1) The Under Secretary serves as the Chief Management Officer of the Department of the Navy.

''(2) The Under Secretary is the principal adviser to the Secretary of the Navy on matters relating to the management of the Department of the Navy, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of the Navy that relate to the performance of the following functions:

''(A) Planning and budgeting, including performance measurement.

''(B) Acquisition.

''(C) Logistics.

''(D) Facilities, installations, and environment.

''(E) Financial management.

''(F) Human resources and personnel.

''(G) Management of information resources, including information technology, networks, and telecommunications functions.

''(3) Subject to the direction and oversight of the Chief Management Officer and Deputy Chief Management Officer of the Department

of Defense, the Under Secretary shall be responsible for—

''(A) developing and maintaining a strategic plan for business reform that identifies key initiatives to be undertaken by the Department of the Navy for business reform, together with related resource needs;

''(B) establishing performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of the Navy;

''(C) monitoring the progress of the Department of the Navy and its components in meeting the performance goals and measures established pursuant to subparagraph (B);

''(D) reviewing and approving the plans and budgets of the Department of the Navy for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A); and

''(E) overseeing the development of, and reviewing and approving, all budget requests for defense business systems by the Department of the Navy, including the information to be submitted to Congress under section 2222(h) of this title.''.

(3) DEPARTMENT OF THE AIR FORCE.—Section 8015 of such title is amended by adding at the end the following new subsection:

''(c)(1) The Under Secretary serves as the Chief Management Officer of the Department of the Air Force.

''(2) The Under Secretary is the principal adviser to the Secretary of the Air Force on matters relating to the management of the Department of the Air Force, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of the Air Force that relate to the performance of the following functions:

''(A) Planning and budgeting, including performance measurement.

''(B) Acquisition.

''(C) Logistics.

''(D) Facilities, installations, and environment.

''(E) Financial management.

''(F) Human resources and personnel.

''(G) Management of information resources, including information technology, networks, and telecommunications functions.

''(3) Subject to the direction and oversight of the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense, the Under Secretary shall be responsible for—

''(A) developing and maintaining a strategic plan for business reform that identifies key initiatives to be undertaken by the Department of the Air Force for business reform, together with related resource needs;

''(B) establishing performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of the Air Force;

''(C) monitoring the progress of the Department of the Air Force and its components in meeting the performance goals and measures established pursuant to subparagraph (B);

''(D) reviewing and approving the plans and budgets of the Department of the Air Force for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A); and

''(E) overseeing the development of, and reviewing and approving, all budget requests for defense business systems by the Department of the Air Force, including the information to be submitted to Congress under section 2222(h) of this title.''.

(d) MATTERS RELATING TO FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—Section 185(a) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) through (E) as subparagraphs (C) though (G), respectively; and

(B) by inserting before subparagraph (C), as redesignated by subparagraph (A) of this paragraph, the following new subparagraphs:

''(A) The Deputy Secretary of Defense, who shall be the chairman of the committee.

''(B) The Under Secretary of Defense for Management (Deputy Chief Management Officer), who shall act as the chairman of the committee in the absence of the Deputy Secretary of Defense.''; and

(C) in subparagraph (C), as so redesignated, by striking '', who shall be the chairman of the committee''; and

(2) in paragraph (3), by inserting ''the Under Secretary of Defense for Management (Deputy Chief Management Officer),'' after ''the Deputy Secretary of Defense,''.

(e) MATTERS RELATING TO DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.—Section 186 of such title is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

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

''(2) The Under Secretary of Defense for Management (Deputy Chief Management Officer).''; and

(2) in subsection (b), by striking the second sentence and inserting the following new sentence: ''The Under Secretary of Defense for Management (Deputy Chief Management Officer) shall serve as the vice chairman of the committee, and shall act as the chairman of the committee in the absence of the Deputy Secretary of Defense.''.

(f) MANAGEMENT OF DEFENSE BUSINESS TRANSFORMATION AGENCY.—Section 192(e)(2) of such title is amended by striking ''that the Agency'' and all that follows and inserting ''that the Director of the Agency shall report directly to the Under Secretary of Defense for Management (Deputy Chief Management Officer).''.

SEC. 903. MODIFICATION OF BACKGROUND REQUIREMENT OF INDIVIDUALS APPOINTED AS UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

Section 133(a) of title 10, United States Code, is amended by striking ''in the private sector''.

SEC. 904. DEPARTMENT OF DEFENSE BOARD OF ACTUARIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 182 the following new section:

''§ 183. Department of Defense Board of Actuaries

''(a) IN GENERAL.—There shall be in the Department of Defense a Department of Defense Board of Actuaries (hereinafter in this section referred to as the 'Board').

''(b) MEMBERS.—(1) The Board shall consist of three members who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries.

''(2) The members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which the member's predecessor was appointed shall only serve until the end of such term. A member may serve after the end of the member's term until the member's successor takes office.

''(3) A member of the Board may be removed by the Secretary of Defense only for misconduct or failure to perform functions vested in the Board.

''(4) A member of the Board who is not an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5 for each day the member is engaged in the performance of the duties of the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of that title in connection with such duties.

''(c) DUTIES.—The Board shall have the following duties:

''(1) To review valuations of the Department of Defense Military Retirement Fund in accordance with section 1465(c) of this title and submit to the President and Congress, not less often than once every four years, a report on the status of that Fund, including such recommendations for modifications to the funding or amortization of that Fund as the Board considers appropriate and necessary to maintain that Fund on a sound actuarial basis.

''(2) To review valuations of the Department of Defense Education Benefits Fund in accordance with section 2006(e) of this title and make recommendations to the President and Congress on such modifications to the funding or amortization of that Fund as the Board considers appropriate to maintain that Fund on a sound actuarial basis.

''(3) To review valuations of such other funds as the Secretary of Defense shall specify for purposes of this section and make recommendations to the President and Congress on such modifications to the funding or amortization of such funds as the Board considers appropriate to maintain such funds on a sound actuarial basis.

''(d) RECORDS.—The Secretary of Defense shall ensure that the Board has access to such records regarding the funds referred to in subsection (c) as the Board shall require to determine the actuarial status of such funds.

''(e) REPORTS.—(1) The Board shall submit to the Secretary of Defense on an annual basis a report on the actuarial status of each of the following:

''(A) The Department of Defense Military Retirement Fund.

''(B) The Department of Defense Education Benefits Fund.

''(C) Each other fund specified by Secretary under subsection (c)(3).

''(2) The Board shall also furnish its advice and opinion on matters referred to it by the Secretary.''.

(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 182 the following new item:

''183. Department of Defense Board of Actuaries.''.

(3) INITIAL SERVICE AS BOARD MEMBERS.—Each member of the Department of Defense Retirement Board of Actuaries or the Department of Defense Education Benefits Board of Actuaries as of the date of the enactment of this Act shall serve as an initial member of the Department of Defense Board of Actuaries under section 183 of title 10, United States Code (as added by paragraph (1)), from that date until the date otherwise provided for the completion of such individual's term as a member of the Department of

Defense Retirement Board of Actuaries or the Department of Defense Education Benefits Board of Actuaries, as the case may be, unless earlier removed by the Secretary of Defense.

(b) TERMINATION OF EXISTING BOARDS OF ACTUARIES.—

(1) DEPARTMENT OF DEFENSE RETIREMENT BOARD OF ACTUARIES.—(A) Section 1464 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 74 of such title is amended by striking the item relating to section 1464.

(2) DEPARTMENT OF DEFENSE EDUCATION BENEFITS BOARD OF ACTUARIES.—Section 2006 of such title is amended—

(A) in subsection (c)(1), by striking ''subsection (g)'' and inserting ''subsection (f)'';

(B) by striking subsection (e);

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

(D) in subsection (e), as redesignated by subparagraph (C), by striking ''subsection (g)'' in paragraph (5) and inserting ''subsection (f)''; and

(E) in subsection (f), as so redesignated—

(i) in paragraph (2)(A), by striking ''subsection (f)(3)'' and inserting ''subsection (e)(3)''; and

(ii) in paragraph (2)(B), by striking ''subsection (f)(4)'' and inserting ''subsection (e)(4)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1175(h)(4) of title 10, United States Code, is amended by striking ''Retirement'' the first place it appears.

(2) Section 1460(b) of such title is amended by striking ''Retirement''.

(3) Section 1466(c)(3) of such title is amended by striking ''Retirement''.

(4) Section 12521(6) of such title is amended by striking ''Department of Defense Education Benefits Board of Actuaries referred to in section 2006(e)(1) of this title'' and inserting ''Department of Defense Board of Actuaries under section 183 of this title''.

SEC. 905. ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS; PRINCIPAL MILITARY DEPUTIES.

(a) DEPARTMENT OF THE ARMY.—Section 3016(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Acquisition, Technology, and Logistics. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition, technology, and logistics matters of the Department of the Army.

''(B) The Assistant Secretary shall have a Principal Deputy, who shall be a lieutenant general of the Army on active duty. The Principal Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management.''.

(b) DEPARTMENT OF THE NAVY.—Section 5016(b) of such title is amended by adding at the end the following new paragraph:

''(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Research, Development, and Acquisition. The principal duty of the Assistant Secretary shall be the overall supervision of research, development, and acquisition matters of the Department of the Navy.

''(B) The Assistant Secretary shall have a Principal Deputy, who shall be a vice admiral of the Navy or a lieutenant general of the Marine Corps on active duty. The Principal Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management.''.

(c) DEPARTMENT OF THE AIR FORCE.—Section 8016(b) of such title is amended by adding at the end the following new paragraph:

''(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Acquisition. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition matters of the Department of the Air Force.

''(B) The Assistant Secretary shall have a Principal Deputy, who shall be a lieutenant general of the Air Force on active duty. The Principal Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management.''.

(d) DUTY OF PRINCIPAL MILITARY DEPUTIES TO INFORM SERVICE CHIEFS ON MAJOR DEFENSE ACQUISITION PROGRAMS.—Each Principal Deputy to a service acquisition executive shall be responsible for keeping the Chief of Staff of the Armed Force concerned informed of the progress of major defense acquisition programs.

(e) EXCLUSION OF PRINCIPAL MILITARY DEPUTIES FROM DISTRIBUTION AND STRENGTH IN GRADE LIMITATIONS.—

(1) DISTRIBUTION.—Section 525(b) of such title is amended by adding at the end the following new paragraph:

''(9)(A) An officer while serving in a position specified in subparagraph (B) is in addition to the number that would otherwise be permitted for that officer's armed force for the grade of lieutenant general or vice admiral, as applicable.

''(B) A position specified in this subparagraph is each position as follows:

''(i) Principal Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

''(ii) Principal Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

''(iii) Principal Deputy to the Assistant Secretary of the Air Force for Acquisition.''.

(2) AUTHORIZED STRENGTH.—Section 526 of such title is amended by adding at the end the following new subsection:

''(g) EXCLUSION OF PRINCIPAL DEPUTIES TO ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS.—The limitations of this section do not apply to a general or flag officer who is covered by the exclusion under section 525(b)(9) of this title.''.

SEC. 906. FLEXIBLE AUTHORITY FOR NUMBER OF ARMY DEPUTY CHIEFS OF STAFF AND ASSISTANT CHIEFS OF STAFF.

Subsection (b) of section 3035 of title 10, United States Code, is amended to read as follows:

''(b) The Secretary of the Army shall prescribe the number of Deputy Chiefs of Staff and Assistant Chiefs of Staff. The aggregate number of such positions may not exceed eight positions.''.

SEC. 907. SENSE OF CONGRESS ON TERM OF OFFICE OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

It is the sense of Congress that the term of office of the Director of Operational Test and Evaluation of the Department of Defense should be not less than five years.

Subtitle B—Space Matters

SEC. 921. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense and the Director of National Intelligence shall jointly conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace.

(D) Force enhancement and force application.

(E) Space-based intelligence and surveillance and reconnaissance from space.

(F) Any other matter the Secretary considers relevant to understanding the space posture of the United States.

(2) A description of current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each such program will address the policy, requirements, and objectives described under each of subparagraphs (A) through (F) of paragraph (1).

(3) A description of future space systems and technology development (other than such systems and technology in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (F) of paragraph (1).

(4) An assessment of the relationship among the following:

(A) United States military space policy.

(B) National security space policy.

(C) National security space objectives.

(D) Arms control policy.

(5) An assessment of the effect of the military and national security space policy of the United States on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2009, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional committees specified in paragraph (3) a report on the review conducted under subsection (a).

(2) FORM OF REPORT.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(3) COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) POSTURE REVIEW PERIOD DEFINED.—In this section, the term ''posture review period'' means the 10-year period beginning on February 1, 2009.

SEC. 922. ADDITIONAL REPORT ON OVERSIGHT OF ACQUISITION FOR DEFENSE SPACE PROGRAMS.

Section 911(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2621) is amended by inserting '', and March 15, 2008,'' after ''March 15, 2003,''.

Subtitle C—Other Matters

SEC. 931. DEPARTMENT OF DEFENSE CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.

Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.—(1) The first national security strategy and national defense strategy prepared after the date of the enactment of this subsection shall include guidance for military planners—

''(A) to assess the risks of projected climate change to current and future missions of the armed forces;

''(B) to update defense plans based on these assessments, including working with allies and partners to incorporate climate mitigation strategies, capacity building, and relevant research and development; and

''(C) to develop the capabilities needed to reduce future impacts.

''(2) The first quadrennial defense review prepared after the date of the enactment of this subsection shall also examine the capabilities of the armed forces to respond to the consequences of climate change, in particular, preparedness for natural disasters from extreme weather events and other missions the armed forces may be asked to support inside the United States and overseas.

''(3) For planning purposes to comply with the requirements of this subsection, the Secretary of Defense shall use—

''(A) the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change;

''(B) subsequent mid-range consensus climate projections if more recent information is available when the next national security strategy, national defense strategy, or quadrennial defense review, as the case may be, is conducted; and

''(C) findings of appropriate and available estimations or studies of the anticipated strategic, social, political, and economic effects of global climate change and the implications of such effects on the national security of the United States.

''(4) The Secretary shall ensure that this subsection is implemented in a manner that does not have a negative impact on national security.

''(5) In this subsection, the term 'national security strategy' means the annual national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).''.

SEC. 932. BOARD OF REGENTS FOR THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) APPOINTMENTS.—

(1) IN GENERAL.—Section 2113 of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking ''by the President, by and with the advice and consent of the Senate'' and inserting ''by the Secretary of Defense''; and

(B) in subsection (b)—

(i) in paragraph (1), by adding ''and'' at the end;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(2) CHAIRMAN.—Subsection (c) of such section is amended by striking ''the President'' and inserting ''the Secretary''.

(b) STATUTORY REDESIGNATION OF DEAN AS PRESIDENT.—

(1) Section 2113 of such title is further amended by striking ''Dean'' each place it appears in subsections (d) and (f)(1) and inserting ''President''.

(2) Section 2114(e) of such title is amended by striking ''Dean'' each place it appears in paragraphs (3) and (5).

(c) COMPENSATION OF MEMBERS FOR PERFORMANCE OF DUTIES.—Subsection (e) of section 2113 of such title is further amended by striking ''but not exceeding $100 per diem''.

SEC. 933. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2117. United States Military Cancer Institute

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish in the University the United States Military Cancer Institute. The Institute shall be established pursuant to regulations prescribed by the Secretary.

''(b) PURPOSES.—The purposes of the Institute are as follows:

''(1) To establish and maintain a clearinghouse of data on the incidence and prevalence of cancer among members and former members of the armed forces.

''(2) To conduct research that contributes to the detection or treatment of cancer among the members and former members of the armed forces.

''(c) HEAD OF INSTITUTE.—The Director of the United States Military Cancer Institute is the head of the Institute. The Director shall report to the President of the University regarding matters relating to the Institute.

''(d) ELEMENTS.—(1) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for affiliation with the Institute.

''(2) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

''(e) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

''(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins within the members of the armed forces.

''(B) The prevention and early detection of cancer among members and former members of the armed forces.

''(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

''(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

''(f) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (e) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

''(g) ANNUAL REPORT.—(1) Not later than November 1 each year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the current status of the research studies being carried out by the Institute under subsection (e).

''(2) Not later than 60 days after receiving a report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following new item:

''2117. United States Military Cancer Institute.''.

SEC. 934. WESTERN HEMISPHERE CENTER FOR EXCELLENCE IN HUMAN RIGHTS.

(a) CENTER AUTHORIZED.—The Secretary of Defense may establish and operate a center to be known as the Western Hemisphere Center for Excellence in Human Rights.

(b) MISSIONS.—The missions of the Center shall be as follows:

(1) To provide and facilitate education, training, research, strategic planning, and reform on the integration of respect for human rights into all aspects of military operations, doctrine, education, judicial systems, and other internal control mechanisms, and into the relations of the military with civil society, including the development of programs to combat the growing phenomenon of trafficking in persons.

(2) To sponsor conferences, symposia, seminars, academic exchanges, and courses, as well as special projects such as studies, reviews, design of curricula, and evaluations, on the matters covered by paragraph (1).

(3) In carrying out its other mission, to place special emphasis on the implementation of reforms that result in measurable improvements in respect for human rights in the provision of effective security.

(c) FORMULATION AND EXECUTION OF PROGRAMS.—

(1) CONCURRENCE OF SECRETARY OF STATE.—The Secretary of Defense may carry out this section only with the concurrence of the Secretary of State.

(2) FORMULATION AND EXECUTION OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall—

(A) jointly formulate any program or other activities undertaken under this section; and

(B) shall coordinate with one another, under procedures that they jointly establish, to ensure appropriate implementation of such programs and activities, including in a manner that—

(i) incorporates appropriate vetting procedures, irrespective of the source of funding for the activity; and

(ii) avoids duplication with existing programs.

(d) JOINT OPERATION WITH EDUCATIONAL INSTITUTIONS AND NONGOVERNMENTAL ORGANIZATIONS AUTHORIZED.—The Secretary of Defense may enter into agreements with appropriate officials of institutions of higher education and nongovernmental organizations to provide for the joint operation of the Center by the Secretary and such entities. Any such agreement may provide for the institution or organization concerned to furnish necessary administrative services for the Center, including administration and allocation of funds.

(e) ACCEPTANCE OF GIFTS AND DONATIONS.—

(1) ACCEPTANCE AUTHORIZED.—Except as provided in paragraph (2), the Secretary of Defense may accept, on behalf of the Center, gifts and donations to be used to defray the costs of the Center or to enhance the operation of the Center. Any such gift or donation may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.

(2) LIMITATION.—The Secretary may not accept a gift or donation under paragraph (1) if acceptance of the gift or donation would compromise or appear to compromise—

(A) the ability of the Department of Defense, any employee of the Department, or members of the Armed Forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

(B) the integrity of any program of the Department or of any person involved in such a program.

(3) CREDITING.—Amounts accepted as a gift or donation under paragraph (1) shall be credited to the appropriation available to the Department of Defense for the Western Hemisphere Center for Excellence in Human Rights. Amounts so credited shall be merged with the appropriation to which credited, and shall be available to the Center for the same purposes, and subject to the same conditions and limitations, as amounts in the appropriation with which merged.

(4) ANNUAL REPORT.—Not later than January 31 each year, the Secretary shall submit to the congressional defense committees a report on the gifts or donations accepted under paragraph (1) during the preceding

year. Each report shall include, for the year covered by such report, a description of each gift of donation so accepted, including—

(A) the source of the gift or donation;

(B) the amount of the gift or donation; and

(C) the use of the gift or donation.

SEC. 935. INCLUSION OF COMMANDERS OF WESTERN HEMISPHERE COMBATANT COMMANDS IN BOARD OF VISITORS OF WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Subparagraph (F) of section 2166(e)(1) of title 10, United States Code, is amended to read as follows:

''(F) The commanders of the combatant commands having geographic responsibility for the Western Hemisphere, or the designees of those officers.''.

SEC. 936. COMPTROLLER GENERAL ASSESSMENT OF PROPOSED REORGANIZATION OF THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) ASSESSMENT REQUIRED.—Not later than March 1, 2008, the Comptroller General of the United States shall submit to the congressional defense committees a report containing an assessment of the proposed reorganization of the office of the Under Secretary of Defense for Policy, including an assessment with respect to the matters set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be included in the assessment required by subsection are as follows:

(1) Whether the proposed reorganization of the office will further the stated purposes of the proposed reorganization in the short-and long-term, namely whether the proposed reorganization will enhance the ability of the Department of Defense—

(A) to address current security priorities, including the war in Iraq and the global war on terrorism in Afghanistan and elsewhere;

(B) to manage geopolitical defense relationships; and

(C) to anticipate future strategic shifts.

(2) Whether, and to what extent, the proposed reorganization adheres to generally accepted principles of effective organization such as establishing clear goals, identifying clear lines of authority and accountability, and developing an effective human capital strategy.

(3) The extent to which the Department has developed detailed implementation plans for the proposed reorganization, and the current status of the implementation of all aspects of the reorganization.

(4) The extent to which the Department has worked to mitigate congressional concerns and address other challenges that have arisen since the proposed reorganization was announced.

(5) Whether the Department plans to evaluate progress in achieving the stated goals of the proposed reorganization and what metrics, if any, the Department has established to assess the results of the reorganization.

(6) The impact of the large span of responsibilities for the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under the proposed reorganization on the ability of the Assistant Secretary to carry out the principal duties of the Assistant Secretary under law.

(7) The impact of the large span of responsibility for the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under the proposed reorganization, including responsibility under the proposed reorganization for each of the following:

(A) Strategic capabilities.

(B) Forces transformation.

(C) Major budget programs.

(8) The relationship between any global war on terrorism task force that reports directly to the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, and the Principal Deputy Under Secretary of Defense for Policy in managing policy on combating terrorism.

(9) The impact of the large span of responsibilities for the proposed Deputy Assistant Secretary of Defense for Counternarcotics, Counterproliferation, and Global Threats under the proposed reorganization.

(10) The impact of the proposed reorganization on counternarcotics program execution.

(11) The unique placement under the proposed reorganization of both functional and regional issue responsibilities under the single proposed Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs.

(12) The differentiation between the responsibilities of the proposed Deputy Assistant Secretary of Defense for Building Partnership Capacity Strategy and the proposed Deputy Assistant Secretary of Defense for Security Cooperation Options under the proposed reorganization, and the relationship between such officials.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2008 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2007.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2007 in the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation or by a transfer of funds, or decreased by a rescission, or any thereof, pursuant to the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28).

SEC. 1003. MODIFICATION OF FISCAL YEAR 2007 GENERAL TRANSFER AUTHORITY.

Section 1001(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2371) is amended by adding at the end the following new paragraph:

''(3) EXCEPTION FOR CERTAIN TRANSFERS.—The following transfers of funds shall be not be counted toward the limitation in paragraph (2) on the amount that may be transferred under this section:

''(A) The transfer of funds to the Iraq Security Forces Fund under reprogramming FY07–07–R PA.

''(B) The transfer of funds to the Joint Improvised Explosive Device Defeat Fund under reprogramming FY07–11 PA.

''(C) The transfer of funds back from the accounts referred to in subparagraphs (A) and (B) to restore the sources used in the reprogrammings referred to in such subparagraphs.''.

SEC. 1004. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2008.

(a) FISCAL YEAR 2008 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2008 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2007, of funds appropriated for fiscal years before fiscal year 2008 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,031,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $362,159,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of 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.

SEC. 1005. FINANCIAL MANAGEMENT TRANSFORMATION INITIATIVE FOR THE DEFENSE AGENCIES.

(a) FINANCIAL MANAGEMENT TRANSFORMATION INITIATIVE.—

(1) IN GENERAL.—The Director of the Business Transformation Agency of the Department of Defense shall carry out an initiative for financial management transformation in the Defense Agencies. The initiative shall be known as the ''Defense Agencies Initiative'' (in this section referred to as the ''Initiative'').

(2) SCOPE OF AUTHORITY.—In carrying out the Initiative, the Director of the Business Transformation Agency may require the heads of the Defense Agencies to carry out actions that are within the purpose and scope of the Initiative.

(b) PURPOSES.—The purposes of Initiative shall be as follows:

(1) To eliminate or replace financial management systems of the Defense Agencies that are duplicative, redundant, or fail to comply with the standards set forth in subsection (d).

(2) To transform the budget, finance, and accounting operations of the Defense Agencies to enable the Defense Agencies to achieve accurate and reliable financial information needed to support financial accountability and effective and efficient management decisions.

(c) REQUIRED ELEMENTS.—The Initiative shall include, to the maximum extent practicable—

(1) the utilization of commercial, off-the-shelf technologies and web-based solutions;

(2) a standardized technical environment and an open and accessible architecture; and

(3) the implementation of common business processes, shared services, and common data structures.

(d) STANDARDS.—In carrying out the Initiative, the Director of the Business Transformation Agency shall ensure that the Initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(e) SCOPE.—The Initiative shall be designed to provide, at a minimum, capabilities in the major process areas for both general fund and working capital fund operations of the Defense Agencies as follows:

(1) Budget formulation.

(2) Budget to report, including general ledger and trial balance.

(3) Procure to pay, including commitments, obligations, and accounts payable.

(4) Order to fulfill, including billing and accounts receivable.

(5) Cost accounting.

(6) Acquire to retire (account management).

(7) Time and attendance and employee entitlement.

(8) Grants financial management.

(f) PROGRAM CONTROL.—In carrying out the Initiative, the Director of the Business Transformation Agency shall establish—

(1) a board (to be known as the ''Configuration Control Board'') to manage scope and cost changes to the Initiative; and

(2) a program management office (to be known as the ''Program Management Office'') to control and enforce assumptions made in the acquisition plan, the cost estimate, and the system integration contract for the Initiative, as directed by the Configuration Control Board.

(g) PLAN ON DEVELOPMENT AND IMPLEMENTATION OF INITIATIVE.—Not later than six months after the date of the enactment of this Act, the Director of the Business Transformation Agency shall submit to the congressional defense committees a plan for the development and implementation of the Initiative. The plan shall provide for the implementation of an initial capability under the Initiative as follows:

(1) In at least one Defense Agency by not later than eight months after the date of the enactment of this Act.

(2) In not less than six Defense Agencies by not later than 18 months after the date of the enactment of this Act.

SEC. 1006. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDGET CYCLE FOR THE DEPARTMENT OF DEFENSE.

Section 1405 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 744; 31 U.S.C. 1105 note) is repealed.

SEC. 1007. EXTENSION OF PERIOD FOR TRANSFER OF FUNDS TO FOREIGN CURRENCY FLUCTUATIONS, DEFENSE ACCOUNT.

Section 2779 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking ''second fiscal year'' and inserting ''fifth fiscal year''; and

(2) in subsection (d)(2), by striking ''second fiscal year'' and inserting ''fifth fiscal year''.

Subtitle B—Counter-Drug Activities

SEC. 1011. EXPANSION OF DEPARTMENT OF DEFENSE AUTHORITY TO PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES TO CERTAIN ADDITIONAL FOREIGN GOVERNMENTS.

Section 1033(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1593) and section 1022(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended by adding at the end the following new paragraphs:

''(17) The Government of the Dominican Republic.

''(18) The Government of Mexico.''.

Subtitle C—Miscellaneous Authorities and Limitations

SEC. 1021. ENHANCEMENT OF AUTHORITY TO PAY REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) INCREASE IN AMOUNT OF REWARD.—Subsection (b) of section 127b of title 10, United States Code, is amended by inserting '', or $5,000,000 during fiscal year 2008'' after ''$200,000''.

(b) DELEGATION OF AUTHORITY TO COMMANDERS OF COMBATANT COMMANDS.—Subsection (c)(1)(B) of such title is amended by inserting '', or $1,000,000 during fiscal year 2008'' after ''$50,000''.

(c) CONSULTATION WITH SECRETARY OF STATE IN AWARD.—Subsection (d)(2) of such section is amended by inserting '', or $2,000,000 during fiscal year 2008'' after ''$100,000''.

SEC. 1022. REPEAL OF MODIFICATION OF AUTHORITIES RELATING TO THE USE OF THE ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.

(a) REPEAL.—

(1) IN GENERAL.—Section 333 of title 10, United States Code, as amended by section 1076 of the John Warner National Defense Authorization

Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2404), is amended to read as such section read on October 16, 2006, which is the day before the date of the enactment of the John Warner National Defense Authorization Act for Fiscal Year 2007.

(2) CONFORMING CLERICAL AMENDMENTS.—(A) The heading of such section 333, as so amended, is amended to read as such heading read on October 16, 2006.

(B) The item relating to such section 333 in the table of sections at the beginning of chapter 15 of such title, as so amended, is amended to read as such item read on October 16, 2006.

(C) The heading of chapter 15 of such title, as so amended, is amended to read as such heading read on October 16, 2006.

(D) The item relating to chapter 15 of such title in the tables of chapters at the beginning of subtitle A of such title, and at the beginning of part I of such subtitle, as so amended, is amended to read as such item read on October 16, 2006.

(b) OTHER CONFORMING AMENDMENTS.—

(1) CONFORMING REPEAL.—(A) Section 2567 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2567.

(2) ADDITIONAL AMENDMENT.—Section 12304(c)(1) of such title, as amended by section 1076 of the John Warner National Defense Authorization Act for Fiscal Year 2007, is amended to read as such section read on October 16, 2006.

SEC. 1023. PROCEDURES FOR COMBATANT STATUS REVIEW TRIBUNALS; MODIFICATION OF MILITARY COMMISSION AUTHORITIES.

(a) DETERMINATION OF STATUS OF CERTAIN COMBATANTS.—Subsection (b) of section 1005 of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 10 U.S.C. 801 note) is amended to read as follows:

''(b) DETERMINATION OF STATUS OF CERTAIN COMBATANTS.—

''(1) IN GENERAL.—The Secretary of Defense shall determine the status of each detainee described in paragraph (2) through a Combatant Status Review Tribunal (in this subsection referred to as a 'Tribunal') conducted in accordance with the requirements of this subsection.

''(2) COVERED DETAINEES.—

''(A) IN GENERAL.—A detainee described in this paragraph is a detainee who—

''(i) is held by the Department of Defense as an unlawful enemy combatant on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008; and

''(ii) has been detained by the United States for a period of more than two years.

''(B) UNLAWFUL ENEMY COMBATANT DEFINED.—In this subsection, the term 'unlawful enemy combatant' has the meaning given such term in section 948a(1) of title 10, United States Code.

''(3) STANDARD OF PROOF.—A Tribunal shall determine whether or not a detainee is an unlawful enemy combatant by a preponderance of the evidence. Weight shall be accorded to evidence based on the credibility, reliability, and probative value of the evidence.

''(4) PROCEDURES.—Not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008, the Secretary shall prescribe procedures for Tribunals under this subsection. Such procedures shall ensure, at a minimum, that—

''(A) the President of a Tribunal is a military judge—

''(i) who shall meet the qualification requirements of section 948j(b) of title 10, United States Code, and

''(ii) who shall rule on all questions of law and exclude evidence that would not have probative value to a reasonable person;

''(B) each detainee is represented in the same manner as provided for the accused before a military commission under section 949c of title 10, United States Code;

''(C) each detainee is afforded a reasonable opportunity to obtain witnesses and other evidence, including a process to compel witnesses to appear and testify and to compel the production of other evidence, that is similar to that provided for defense counsel in a military commission under section 949j of title 10, United States Code;

''(D) each detainee is permitted to present evidence in his defense, to cross-examine the witnesses who testify against him, and to examine and respond to evidence admitted against him, while providing for the handling of classified information in a manner so that—

''(i) counsel for the detainee is provided access to the relevant classified evidence, including both evidence admitted against the detainee and any potentially exculpatory evidence, consistent with the procedures for the protection of classified information in section 949d(f) of title 10, United States Code; and

''(ii) the detainee is provided access—

''(I) to all unclassified evidence; and

''(II) to a summary of the classified evidence admitted against the detainee that is sufficiently specific to provide the detainee a fair opportunity to respond, with the assistance of counsel, to such evidence;

''(E) in making a determination of status of any such detainee, a Tribunal may not consider a statement that was obtained through methods that amount to torture; and

''(F) in making a determination of status of a detainee, a Tribunal may not consider a statement in which the degree of coercion is disputed unless—

''(i) the totality of the circumstances renders the statement reliable and possessing sufficient probative value;

''(ii) the interests of justice would best be served by admission of the statement into evidence; and

''(iii) the Tribunal determines that—

''(I) the alleged coercion was incident to the lawful conduct of military operations at the point of apprehension;

''(II) the statement was voluntary; or

''(III) the interrogation methods used to obtain the statement do not amount to cruel, inhuman, or degrading treatment prohibited by section 1003 of this Act.

''(5) SCHEDULING.—The Secretary shall ensure that a Tribunal is scheduled for a detainee described in paragraph (2) not later than 180 days after the date on which a Tribunal becomes required for such detainee under paragraph (1), except that—

''(A) the Secretary shall schedule a Tribunal for a detainee who is eligible for such a Tribunal on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 not later than one year after the date on which procedures are required to be prescribed by paragraph (4); and

''(B) the Secretary shall not be required to schedule a Tribunal for—

''(i) a detainee upon whom charges have been served in accordance with section 948s of title 10, United States Code, until after final judgment has been reached on such charges; or

''(ii) a detainee who has been convicted by a military commission under chapter 47A of such title of an offense under subchapter VII of that chapter.''.

(b) MODIFICATIONS OF MILITARY COMMISSION AUTHORITIES.—

(1) ENEMY COMBATANT STATUS.—Paragraph (1) of section 948a of title 10, United States Code, is amended to read as follows:

''(1) UNLAWFUL ENEMY COMBATANT.—The term 'unlawful enemy combatant' means a person who is not a lawful enemy combatant who—

''(A) has engaged in hostilities against the United States;

''(B) has purposefully and materially supported hostilities against the United States (other than hostilities engaged in by lawful enemy combatants); or

''(C) has been a knowing and active participant in an organization that engaged in hostilities against the United States.''.

(2) REPEAL OF DISPOSITIVE NATURE OF PREVIOUS CSRT DETERMINATIONS.—Section 948d of such title is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(3) STATEMENTS OBTAINED THROUGH CRUEL, INHUMAN, OR DEGRADING TREATMENT.—Section 948r of such title is amended—

(A) by striking subsections (c) and (d); and

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

''(c) STATEMENTS OBTAINED THROUGH CRUEL, INHUMAN, OR DEGRADING TREATMENT.—A statement in which the degree of coercion is disputed may be admitted if the military judge finds that—

''(1) the totality of the circumstances renders the statement reliable and possessing sufficient probative value;

''(2) the interests of justice would best be served by admission of the statement into evidence; and

''(3) one of the following circumstances is met:

''(A) The alleged coercion was incident to the lawful conduct of military operations at the point of apprehension.

''(B) The statement was voluntary.

''(C) The interrogation methods used to obtain the statement do not amount to cruel, inhuman, or degrading treatment prohibited by section 1003 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd).''.

(4) ADMITTANCE OF HEARSAY EVIDENCE.—Subparagraph (E) of section 949a(b)(2) of such title is amended to read as follows:

''(E) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission if—

''(i) the proponent of the evidence makes known to the adverse party, sufficiently in advance of trial or hearing to provide the adverse party with a fair opportunity to meet the evidence, the proponent's intention to offer the evidence, and the particulars of the evidence (including information on the circumstances under which the evidence was obtained); and

''(ii) the military judge finds that the totality of the circumstances render the evidence more probative on the point for which it is offered than other evidence which the proponent can procure through reasonable efforts, taking into consideration the unique circumstances of the conduct of military and intelligence operations during hostilities.''.

(5) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TECHNICAL AMENDMENT.—The heading of section 950j of such title is amended by striking ''**Finality or**'' and inserting ''**Finality of**''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VI of chapter 47A of such title is amended to read as follows:

''950j. Finality of proceedings, findings, and sentences.''.

SEC. 1024. GIFT ACCEPTANCE AUTHORITY.

(a) PERMANENT AUTHORITY TO ACCEPT GIFTS ON BEHALF OF THE WOUNDED.—Section 2601(b) of title 10, United States Code, is amended by striking paragraph (4).

(b) LIMITATION ON SOLICITATION OF GIFTS.—The Secretary of Defense shall prescribe regulations implementing sections 2601 and 2608 of title 10, United States Code, that prohibit the solicitation of any gift under such sections by any employee of the Department of Defense if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in such program.

SEC. 1025. EXPANSION OF COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF CULTURAL RESOURCES.

(a) IN GENERAL.—Subsection (a) of section 2684 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY.—(1) The Secretary of Defense or the Secretary of a military department may enter into a cooperative agreement with a State or local government, tribal government, or other entity for any purpose as follows:

''(A) For the preservation, management, maintenance, and improvement of cultural resources.

''(B) For the conduct of research regarding cultural resources.

''(2) To be covered under a cooperative agreement under this subsection, cultural resources shall be located—

''(A) on a military installation; or

''(B) off a military installation, but only if the cooperative agreement directly relieves or eliminates current or anticipated restrictions that would or might restrict, impede, or otherwise interfere (whether directly or indirectly) with current or anticipated military training, testing, or operations on the installation.

''(3) Activities under a cooperative agreement under this subsection shall be subject to the availability of funds to carry out the cooperative agreement.''.

(b) INCLUSION OF INDIAN SACRED SITES IN CULTURAL RESOURCES.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

''(5) An Indian sacred site, as the that term is defined in section 1(b)(iii) of Executive Order 13007.''.

SEC. 1026. MINIMUM ANNUAL PURCHASE AMOUNTS FOR AIRLIFT FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

''(a) IN GENERAL.—The Secretary of Defense may award to air carriers participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount determined in accordance with this section.

''(b) MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the annual average expenditure of the Department of Defense for airlift during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

''(2) In calculating the annual average expenditure of the Department of Defense for airlift for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for airlift if the Secretary determines that the omission of such fiscal

year from the calculation will result in a more accurate forecast of anticipated airlift for purposes of that paragraph.

''(3) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under paragraph (1), shall be allocated among all carriers awarded contracts under that subsection for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

''(c) ADJUSTMENT TO MINIMUM PURCHASE AMOUNT FOR PERIODS OF UNAVAILABILITY OF AIRLIFT.—In determining the minimum purchase amount payable under a contract under subsection (a) for airlift provided by a carrier during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to the carrier under subsection (b)(3) to take into account periods during such fiscal year when services of the carrier are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when the carrier is placed in non-use status pursuant to section 2640 of this title for safety issues.

''(d) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift from a carrier for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift from the carrier in such fiscal year, such amount shall be provided to the carrier before the first day of the following fiscal year.

''(e) TRANSFER OF FUNDS.—At the beginning of each fiscal year, the Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated use of airlift by such military department during such fiscal year from all carriers under contracts awarded under subsection (a) for such fiscal year.

''(f) AVAILABILITY OF AIRLIFT.—(1) From the total amount of airlift available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift equivalent to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (e).

''(2) A military department may transfer any entitlement to airlift under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

''(g) SUNSET.—The authorities in this section shall expire on December 31, 2015.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 931 of such title is amended by adding at the end the following new item:

''9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.''.

SEC. 1027. PROVISION OF AIR FORCE SUPPORT AND SERVICES TO FOREIGN MILITARY AND STATE AIRCRAFT.

(a) PROVISION OF SUPPORT AND SERVICES.—

(1) IN GENERAL.—Section 9626 of title 10, United States Code, is amended to read as follows:

''§ 9626. Aircraft supplies and services: foreign military or other state aircraft

''(a) PROVISION OF SUPPLIES AND SERVICES ON REIMBURSABLE BASIS.—(1) The Secretary of the Air Force may, under such regulations as the Secretary may prescribe and when in the best interests of the United States, provide any of the supplies or services described in paragraph (2) to military and other state aircraft of a foreign country, on a reimbursable basis without an advance of funds, if similar supplies and services are furnished on a like basis to military aircraft and other state aircraft of the United States by the foreign country.

''(2) The supplies and services described in this paragraph are supplies and services as follows:

''(A) Routine airport services, including landing and takeoff assistance, servicing aircraft with fuel, use of runways, parking and servicing, and loading and unloading of baggage and cargo.

''(B) Miscellaneous supplies, including Air Force-owned fuel, provisions, spare parts, and general stores, but not including ammunition.

''(b) PROVISION OF ROUTINE AIRPORT SERVICES ON NON-REIMBURSABLE BASIS.—(1) Routine airport services may be provided under this section at no cost to a foreign country under circumstances as follows:

''(A) If such services are provided by Air Force personnel and equipment without direct cost to the Air Force.

''(B) If such services are provided under an agreement with the foreign country that provides for the reciprocal furnishing by the foreign country of routine airport services to military and other state aircraft of the United States without reimbursement.

''(2) If routine airport services are provided under this section by a working-capital fund activity of the Air Force under section 2208 of this title and such activity is not reimbursed directly for the costs incurred by the activity in providing such services by reason of paragraph (1)(B), the working-capital fund activity shall be reimbursed for such costs out of funds currently available to the Air Force for operation and maintenance.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 939 of such title is amended by striking the item relating to section 9626 and inserting the following new item:

''9626. Aircraft supplies and services: foreign military or other state aircraft.''.

(b) CONFORMING AMENDMENT.—Section 9629(3) of such title is amended by striking ''for aircraft of a foreign military or air attaché''.

SEC. 1028. PARTICIPATION IN STRATEGIC AIRLIFT CAPABILITY PARTNERSHIP.

(a) AUTHORITY TO PARTICIPATE IN PARTNERSHIP.—The Secretary of Defense may—

(1) enter into a multilateral memorandum of understanding authorizing the Strategic Airlift Capability Partnership to conduct activities necessary to accomplish its purpose, including—

(A) the acquisition, equipping, ownership, and operation of strategic airlift aircraft; and

(B) the acquisition or transfer of airlift and airlift-related services and supplies among members of the Strategic Airlift Capability Partnership, or between the Partnership and non-member countries or international organizations, on a reimbursable basis or by replacement-in-kind or exchange of airlift or airlift-related services of an equal value; and

(2) pay from funds available to the Department of Defense for such purpose the United States equitable share of the recurring and non-recurring costs of the activities and operations of the Strategic Airlift Capability Partnership, including costs associated with procurement of aircraft components and spare parts, maintenance, facilities, and training, and the costs of claims.

(b) AUTHORITIES UNDER PARTNERSHIP.—In carrying out the memorandum of understanding entered into under subsection (a), the Secretary of Defense may do the following:

(1) Waive reimbursement of the United States for the cost of the functions performed by Department of Defense personnel with respect to the Strategic Airlift Capability Partnership as follows:

(A) Auditing.

(B) Quality assurance.

(C) Inspection.

(D) Contract administration.

(E) Acceptance testing.

(F) Certification services.

(G) Planning, programming, and management services.

(2) Waive the imposition of any surcharge for administrative services provided by the United States that would otherwise be chargeable against the Strategic Airlift Capability Partnership.

(3) Pay the salaries, travel, lodging, and subsistence expenses of Department of Defense personnel assigned for duty to the Strategic Airlift Capability Partnership without seeking reimbursement or cost-sharing for such expenses.

(c) CREDITING OF RECEIPTS.—Any amount received by the United States in carrying out the memorandum of understanding entered into under subsection (a) shall be credited, as elected by the Secretary of Defense, to the following:

(1) The appropriation, fund, or account used in incurring the obligation for which such amount is received.

(2) An appropriation, fund, or account currently providing funds for the purposes for which such obligation was made.

(d) AUTHORITY TO TRANSFER AIRCRAFT.—

(1) IN GENERAL.—The Secretary of Defense is authorized to transfer one strategic airlift aircraft to the Strategic Airlift Capability Partnership in accordance with the terms and conditions of the memorandum of understanding entered into under subsection (a).

(2) REPORT.—Not later than 30 days before the date on which the Secretary transfers a strategic airlift aircraft under paragraph (1), the Secretary shall submit to the congressional defense committees a report on the strategic airlift aircraft to be transferred, including the type of strategic airlift aircraft to be transferred and the tail registration or serial number of such aircraft.

(e) STRATEGIC AIRLIFT CAPABILITY PARTNERSHIP DEFINED.—In this section the term ''Strategic Airlift Capability Partnership'' means the strategic airlift capability consortium established by the United States and other participating countries.

SEC. 1029. RESPONSIBILITY OF THE AIR FORCE FOR FIXED-WING SUPPORT OF ARMY INTRA-THEATER LOGISTICS.

The Secretary of Defense shall, acting through the Chairman of the Joint Chiefs of Staff, prescribe directives or instructions to provide that the Air Force shall have responsibility for the missions and functions of fixed-wing support for Army intra-theater logistics.

SEC. 1030. PROHIBITION ON SALE OF PARTS FOR F–14 FIGHTER AIRCRAFT.

(a) PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Department of Defense may not sell (whether directly or indirectly) any parts for F–14 fighter aircraft, whether through the Defense Reutilization and Marketing Service or through another agency or element of the Department.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to the sale of parts for F–14 fighter aircraft to a museum or similar organization located in the United States that is involved in the preservation of F–14 fighter aircraft for historical purposes.

(b) PROHIBITION ON EXPORT LICENSE.—No license for the export of parts for F–14 fighter aircraft to a non-United States person or entity may be issued by the United States Government.

Subtitle D—Reports

SEC. 1041. RENEWAL OF SUBMITTAL OF PLANS FOR PROMPT GLOBAL STRIKE CAPABILITY.

Section 1032(b)(1) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1605; 10 U.S.C. 113 note) is amended by inserting ''and each of 2007, 2008, and 2009,'' after ''2004, 2005, and 2006,''.

SEC. 1042. REPORT ON THREATS TO THE UNITED STATES FROM UNGOVERNED AREAS.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly, in coordination with the Director of National Intelligence, submit to Congress a report on the threats posed to the United States from ungoverned areas, including the threats to the United States from terrorist groups and individuals located in such areas who direct their activities against the United States and its allies.

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

(1) A description of the intelligence capabilities and skills required by the United States Government to support United States policy aimed at managing the threats described in subsection (a), including, specifically, the technical, linguistic, and analytical capabilities and the skills required by the Department of Defense and the Department of State.

(2) An assessment of the extent to which the Department of Defense and the Department of State possess the capabilities described in paragraph (1) as well as the necessary resources and organization to support United States policy aimed at managing the threats described in subsection (a).

(3) A description of the extent to which the implementation of Department of Defense Directive 3000.05, entitled ''Military Support for Stability, Security, Transition, and Reconstruction Operations'', will support United States policy for managing such threats.

(4) A description of the actions, if any, to be taken to improve the capabilities and skills of the Department of Defense and the Department of State described in paragraph (1), and the schedule for implementing any actions so described.

SEC. 1043. STUDY ON NATIONAL SECURITY INTERAGENCY SYSTEM.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with an independent, non-profit, non-partisan organization to conduct a study on the national security interagency system.

(b) REPORT.—The agreement entered into under subsection (a) shall require the organization to submit to Congress and the President a report containing the results of the study conducted pursuant to such agreement and any recommendations for changes to the national security interagency system (including legislative or regulatory changes) identified by the organization as a result of the study.

(c) SUBMITTAL DATE.—The agreement entered into under subsection (a) shall require the organization to submit the report required under subsection (a) not later than 180 days after the date on which the Secretary makes funds available to the organization under subsection (e) for purposes of the study.

(d) NATIONAL SECURITY INTERAGENCY SYSTEM DEFINED.—In this section, the term ''national security interagency system'' means the structures, mechanisms, and processes by which the departments, agencies, and elements of the Federal Government that have national security missions coordinate and integrate their policies, capabilities, expertise, and activities to accomplish such missions.

(e) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, not more than $3,000,000 may be available to carry out this section.

(2) MATCHING FUNDING REQUIREMENT.—The amount provided by the Secretary for the agreement entered into under subsection (a) may not exceed the value of contributions (whether money or in-kind contributions) obtained and provided by the organization for the study from non-government sources.

Subtitle E—Other Matters

SEC. 1061. REVISED NUCLEAR POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify United States nuclear deterrence policy and strategy for the near term, the Secretary of Defense shall conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years. The Secretary shall conduct the review in consultation with the Secretary of Energy and the Secretary of State.

(b) ELEMENTS OF REVIEW.—The nuclear posture review shall include the following elements:

(1) The role of nuclear forces in United States military strategy, planning, and programming.

(2) The policy requirements and objectives for the United States to maintain a safe, reliable, and credible nuclear deterrence posture.

(3) The relationship among United States nuclear deterrence policy, targeting strategy, and arms control objectives.

(4) The role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces.

(5) The levels and composition of the nuclear delivery systems that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying existing systems.

(6) The nuclear weapons complex that will be required for implementing the United States national and military strategy, including any plans to modernize or modify the complex.

(7) The active and inactive nuclear weapons stockpile that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying warheads.

(c) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress, in unclassified and classified forms as necessary, a report on the results of the nuclear posture review conducted under this section. The report shall be submitted concurrently with the quadrennial defense review required to be submitted under section 118 of title 10, United States Code, in 2009.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the nuclear posture review conducted under this section should be used as a basis for establishing future United States arms control objectives and negotiating positions.

SEC. 1062. TERMINATION OF COMMISSION ON THE IMPLEMENTATION OF THE NEW STRATEGIC POSTURE OF THE UNITED STATES.

Section 1051 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3431) is repealed.

SEC. 1063. COMMUNICATIONS WITH THE COMMITTEES ON ARMED SERVICES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(a) REQUESTS OF COMMITTEES.—The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall, not later than 15 days after receiving a request from the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives for any intelligence assessment, report, estimate, legal opinion, or other intelligence information relating to matters within the jurisdiction of such Committee, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

(b) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a), the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.

(c) INDEPENDENT TESTIMONY OF INTELLIGENCE OFFICIALS.—No officer, department, agency, or element within the Executive branch shall have any authority to require the head of any department, agency, or element of the intelligence community, or any designate of such a head—

(1) to receive permission to testify before the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives; or

(2) to submit testimony, legislative recommendations, or comments to any officer or agency of the Executive branch for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives if such testimony, legislative recommendations, or comments include a statement indicating that the views expressed therein are those of the head of the department, agency, or element of the intelligence community that is making the submission and do not necessarily represent the views of the Administration.

SEC. 1064. REPEAL OF STANDARDS FOR DISQUALIFICATION FROM ISSUANCE OF SECURITY CLEARANCES BY THE DEPARTMENT OF DEFENSE.

(a) REPEAL.—Section 986 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by striking the item relating to section 986.

SEC. 1065. ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

(a) IN GENERAL.—The Secretary of Defense shall establish an advisory panel to carry out an assessment of the capabilities of the Department of Defense to provide support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) incident.

(b) PANEL MATTERS.—

(1) IN GENERAL.—The advisory panel required by subsection (a) shall consist of individuals appointed by the Secretary of Defense (in consultation with the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House

of Representatives) from among private citizens of the United States with expertise in the legal, operational, and organizational aspects of the management of the consequences of a chemical, biological, radiological, nuclear, or high-yield explosive incident.

(2) DEADLINE FOR APPOINTMENT.—All members of the advisory panel shall be appointed under this subsection not later than 30 days after the date on which the Secretary enters into the contract required by subsection (c).

(3) INITIAL MEETING.—The advisory panel shall conduct its first meeting not later than 30 days after the date that all appointments to the panel have been made under this subsection.

(4) PROCEDURES.—The advisory panel shall carry out its duties under this section under procedures established under subsection (c) by the federally funded research and development center with which the Secretary contracts under that subsection. Such procedures shall include procedures for the selection of a chairman of the advisory panel from among its members.

(c) SUPPORT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—

(1) IN GENERAL.—The Secretary of Defense shall enter into a contract with a federally funded research and development center for the provision of support and assistance to the advisory panel required by subsection (a) in carrying out its duties under this section. Such support and assistance shall include the establishment of the procedures of the advisory panel under subsection (b)(4).

(2) DEADLINE FOR CONTRACT.—The Secretary shall enter into the contract required by this subsection not later than 60 days after the date of the enactment of this Act.

(d) DUTIES OF PANEL.—The advisory panel required by subsection (a) shall—

(1) evaluate the authorities and capabilities of the Department of Defense to conduct operations in support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident, including the authorities and capabilities of the military departments, the Defense Agencies, the combatant commands, any supporting commands, and the reserve components of the Armed Forces (including the National Guard in a Federal and non-Federal status);

(2) assess the adequacy of existing plans and programs of the Department of Defense for training and equipping dedicated, special, and general purposes forces for conducting operations described in paragraph (1) across a broad spectrum of scenarios, including current National Planning Scenarios as applicable;

(3) assess policies, directives, and plans of the Department of Defense in support of civilian authorities in managing the consequences of a chemical, biological, radiological, nuclear, or high-yield explosive incident.

(4) assess the adequacy of policies and structures of the Department of Defense for coordination with other department and agencies of the Federal Government, especially the Department of Homeland Security, the Department of Energy, the Department of Justice, and the Department of Health and Human Services, in the provision of support described in paragraph (1);

(5) assess the adequacy and currency of information available to the Department of Defense, whether directly or through other departments and agencies of the Federal Government, from State and local governments in circumstances where the Department provides support described in paragraph (1) because State and local response capabilities are not fully adequate for a comprehensive response;

(6) assess the equipment capabilities and needs of the Department of Defense to provide support described in paragraph (1); and

(7) develop recommendations for modifying the capabilities, plans, policies, equipment, and structures evaluated or assessed under this subsection in order to improve the provision by the Department of Defense of the support described in paragraph (1).

(e) COOPERATION OF OTHER AGENCIES.—

(1) IN GENERAL.—The advisory panel required by subsection (a) may secure directly from the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Justice, the Department of Health and Human Services, and any other department or agency of the Federal Government information that the panel considers necessary for the panel to carry out its duties.

(2) COOPERATION.—The Secretary of Defense, the Secretary of Homeland Secretary, the Secretary of Energy, the Attorney General, the Secretary of Health and Human Services, and any other official of the United States shall provide the advisory panel with full and timely cooperation in carrying out its duties under this section.

(f) REPORT.—Not later than 12 months after the date of the initial meeting of the advisory panel required by subsection (a), the advisory panel shall submit to the Secretary of Defense, and to the Committees on Armed Services of the Senate and the House of Representatives, a report on activities under this section. The report shall set forth—

(1) the findings, conclusions, and recommendations of the advisory panel for improving the capabilities of the Department of Defense to provide support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident; and

(2) such other findings, conclusions, and recommendations for improving the capabilities of the Department for homeland defense as the advisory panel considers appropriate.

SEC. 1066. SENSE OF CONGRESS ON THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

It is the sense of Congress that—

(1) the education and training facility of the Department of Defense known as the Western Hemisphere Institute for Security Cooperation has the mission of providing professional education and training to eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere that support the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values and respect for human rights; and

(2) therefore, the Institute is an invaluable education and training facility which continues to foster a spirit of partnership and interoperability among the United States military and the militaries of participating nations.

SEC. 1067. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—

(1) REFERENCES.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears in the following provisions and inserting ''Director of National Intelligence'':

(A) Section 192(c)(2).

(B) Section 193.

(C) Section 201(a).

(D) Section 201(c)(1).

(E) Section 425(a).

(F) Section 426.

(G) Section 441.

(H) Section 443(d).

(I) Section 2273(b)(1).

(J) Section 2723(a).

(2) CAPTION AMENDMENTS.—Title 10, United States Code, is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears in the heading of the following provisions and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'':

(A) Section 441(c).

(B) Section 443(d).

(b) REFERENCES TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Title 10, United States Code, is further amended by striking ''Director of Central Intelligence'' each place it appears in the following provisions and inserting ''Director of the Central Intelligence Agency'':

(1) Section 431(b)(1).

(2) Section 444.

(3) Section 1089(g)(1).

(c) OTHER AMENDMENTS.—Section 201 of title 10, United States Code, is further amended—

(1) in paragraph (1) of subsection (b), by striking ''Before submitting'' and all that follows and inserting ''In the event of a vacancy in a position referred to in paragraph (2), the making by the Secretary of Defense of a recommendation to the President regarding the appointment of an individual to such position shall be governed by the provisions of section 106(b) of the National Security Act of 1947 (50 U.S.C. 403–6(b)), relating to the concurrence of the Director of National Intelligence in appointments to positions in the intelligence community.''; and

(2) in subsection (c), by striking ''National Foreign Intelligence Program'' and inserting ''National Intelligence Program''.

SEC. 1068. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President a National Foreign Language Coordination Council (in this section referred to as the ''Council'').

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.

(9) The Director of the Office of Personnel Management.

(10) The Director of the Office of Management and Budget.

(11) The Secretary of Commerce.

(12) The Secretary of Health and Human Services.

(13) The Secretary of the Treasury.

(14) The Secretary of Housing and Urban Development.

(15) The Secretary of Agriculture.

(16) The Chairman and President of the Export-Import Bank of the United States.

(17) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) overseeing, coordinating, and implementing the National Security Language Initiative;

(B) developing a national foreign language strategy, building upon the efforts of the National Security Language Initiative, within 18 months after the date of the enactment of this Act, in consultation with—

(i) State and local government agencies;

(ii) academic sector institutions;
(iii) foreign language related interest groups;
(iv) business associations;
(v) industry;
(vi) heritage associations; and
(vii) other relevant stakeholders;
(C) conducting a survey of the status of Federal agency foreign language and area expertise and agency needs for such expertise; and
(D) monitoring the implementation of such strategy through—
(i) application of current and recently enacted laws; and
(ii) the promulgation and enforcement of rules and regulations.
(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—
(A) recommendations for amendments to title 5, United States Code, in order to improve the ability of the Federal Government to recruit and retain individuals with foreign language proficiency and provide foreign language training for Federal employees;
(B) the long term goals, anticipated effect, and needs of the National Security Language Initiative;
(C) identification of crucial priorities across all sectors;
(D) identification and evaluation of Federal foreign language programs and activities, including—
(i) any duplicative or overlapping programs that may impede efficiency;
(ii) recommendations on coordination;
(iii) program enhancements; and
(iv) allocation of resources so as to maximize use of resources;
(E) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;
(F) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—
(i) Federal, State, and local leaders;
(ii) students;
(iii) parents;
(iv) elementary, secondary, and postsecondary educational institutions; and
(v) employers;
(G) recommendations for incentives for related educational programs, including foreign language teacher training;
(H) coordination of cross-sector efforts, including public-private partnerships;
(I) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;
(J) recommendations for assistance for—
(i) the development of foreign language achievement standards; and
(ii) corresponding assessments for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;
(K) recommendations for development of—
(i) language skill-level certification standards;
(ii) frameworks for pre-service and professional development study for those who teach foreign language;
(iii) suggested graduation criteria for foreign language studies and appropriate nonlanguage studies, such as—
(I) international business;
(II) national security;
(III) public administration;
(IV) health care;
(V) engineering;
(VI) law;
(VII) journalism; and
(VIII) sciences;
(L) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community; and
(M) recommendations for overcoming barriers in foreign language proficiency.
(3) NATIONAL SECURITY LANGUAGE INITIATIVE.—The term ''National Security Language Initiative'' means the comprehensive national plan of the President announced on January 5, 2006, and under the direction of the Secretaries of State, Education, and Defense and the Director of National Intelligence to expand foreign language education for national security purposes in the United States.
(d) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of enactment of this section, the Council shall prepare and transmit to the President and the relevant committees of Congress the strategy required under subsection (c).
(e) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.
(f) STAFF.—
(1) IN GENERAL.—The Director may—
(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Director considers necessary; and
(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.
(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege
(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.
(4) TRAVEL EXPENSES.—Council members and staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.
(5) SECURITY CLEARANCE.—
(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.
(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.
(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Director) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.
(g) POWERS.—
(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.
(2) INFORMATION.—
(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including The Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.
(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Director, the head of such agency shall furnish such information to the Council.
(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.
(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.
(h) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—
(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;
(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and
(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.
(i) ANNUAL REPORT.—
(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Council shall prepare and transmit to the President and the relevant committees of Congress a report that describes—
(A) the activities of the Council;
(B) the efforts of the Council to improve foreign language education and training; and
(C) impediments to the use of a National Foreign Language program, including any statutory and regulatory restrictions.
(2) RELEVANT COMMITTEES.—For purposes of paragraph (1), the relevant committees of Congress include—
(A) in the House of Representatives—
(i) the Committee on Appropriations;
(ii) the Committee on Armed Services;
(iii) the Committee on Education and Labor;
(iv) the Committee on Oversight and Government Reform;
(v) the Committee on Small Business;
(vi) the Committee on Foreign Affairs; and
(vii) the Permanent Select Committee on Intelligence;
(B) in the Senate—
(i) the Committee on Appropriations;
(ii) the Committee on Armed Services;
(iii) the Committee on Health, Education, Labor, and Pensions;
(iv) the Committee on Homeland Security and Governmental Affairs;
(v) the Committee on Foreign Relations; and
(vi) the Select Committee on Intelligence.
(j) ESTABLISHMENT OF A NATIONAL LANGUAGE DIRECTOR.—
(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities across the sectors to be involved with

creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) RESPONSIBILITIES.—The National Language Director shall—

(A) develop and monitor the implementation of a national foreign language strategy, built upon the efforts of the National Security Language Initiative, across all sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(l) CONGRESSIONAL NOTIFICATION.—The Council shall provide to Congress such information as may be requested by Congress, through reports, briefings, and other appropriate means.

SEC. 1069. QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS OF AIRCRAFT UNDER CONTRACT WITH THE ARMED FORCES.

(a) DEFINITION OF PUBLIC AIRCRAFT.—Section 40102(a)(41)(E) of title 49, United States Code, is amended—

(1) by inserting ''or an operational support service'' after ''transportation''; and

(2) by adding at the end the following new sentence: ''The term 'an operational support service' means a mission performed by an aircraft operator that uses fixed or rotary winged aircraft to provide a service other than transportation.''.

(b) ARMED FORCES OPERATIONAL MISSION.—Section 40125(c) of such title is amended—

(1) in paragraph (1)(C), by inserting ''or an operational support service'' after ''transportation''; and

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

''(3) COMPLIANCE WITH FEDERAL AVIATION REGULATIONS.—If the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) does not make a designation under paragraph (1)(C) with regard to a chartered aircraft, the transportation or operational support service provided to the armed forces by such aircraft shall be in compliance with the Federal Aviation Regulations under title 14, Code of Federal Regulations.''.

(c) TECHNICAL CORRECTIONS.—

(1) Section 40125(b) of such title is amended by striking ''40102(a)(37)'' and inserting ''40102(a)(41)''.

(2) Section 40125(c)(1) of such title is amended by striking ''40102(a)(37)(E)'' appears and inserting ''40102(a)(41)(E)''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. COMPENSATION OF FEDERAL WAGE SYSTEM EMPLOYEES FOR CERTAIN TRAVEL HOURS.

Section 5544(a) of title 5, United States Code, is amended in the third sentence in the matter following paragraph (3) by inserting '', including travel by the employee to such event and the return of the employee from such event to the employee's official duty station,'' after ''event''.

SEC. 1102. RETIREMENT SERVICE CREDIT FOR SERVICE AS CADET OR MIDSHIPMAN AT A MILITARY SERVICE ACADEMY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331(13) of title 5, United States Code, is amended by striking ''but'' and inserting ''and includes service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, but''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8401(31) of such title is amended by striking ''but'' and inserting ''and includes service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, but''.

(c) APPLICABILITY.—The amendments made by this section shall apply to—

(1) any annuity, eligibility for which is based upon a separation occurring before, on, or after the date of enactment of this Act; and

(2) any period of service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, occurring before, on, or after the date of enactment of this Act.

SEC. 1103. CONTINUATION OF LIFE INSURANCE COVERAGE FOR FEDERAL EMPLOYEES CALLED TO ACTIVE DUTY.

Section 8706(b) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(5) In the case of an employee enrolled in life insurance under this chapter who is a member of a reserve component of the armed forces called or ordered to active duty, is placed on leave without pay to perform active duty pursuant to such call or order, and serves on active duty pursuant to such call or order for a period of more than 30 consecutive days, the life insurance of the employee under this chapter may continue for up to 24 months after discontinuance of pay by reason of the performance of such active duty.''.

SEC. 1104. DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) EXCLUSION OF WAGE-GRADE EMPLOYEES.—Subsection (b) of section 9902 of title 5, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) not apply to any prevailing rate employees, as defined in section 5342(a)(2);''.

(b) CLARIFICATION OF REQUIREMENTS REGARDING LABOR-MANAGEMENT RELATIONS.—

(1) IN GENERAL.—Such section is further amended by striking subsection (m).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (f)(1)(D)(i), by inserting ''subject to the requirements of chapter 71,'' before ''develop a method''; and

(B) in subsection (g)(2)—

(i) in subparagraph (B), by inserting ''and'' at the end;

(ii) in subparagraph (C), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (D).

(3) CONSTRUCTION OF PAY ESTABLISHMENT OR ADJUSTMENT.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

''(6) Any rate of pay established or adjusted in accordance with the requirements of this section shall be a matter covered by section 7103(a)(14)(C) of this title.''.

SEC. 1105. AUTHORITY TO WAIVE LIMITATION ON PREMIUM PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS UNDER AREAS OF UNITED STATES CENTRAL COMMAND.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding section 5547 of title 5, United States Code, during 2008, the head of an Executive agency (as that term is defined in section 105 of title 5, United States Code) may waive limitations on total compensation, including limitations on the aggregate of basic pay and premium pay payable in a calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command in direct support of, or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to a declared emergency.

(2) LIMITATION.—The total compensation payable to an employee pursuant to a waiver under this subsection in a calendar year may not exceed $212,100.

(b) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall such additional pay be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(c) REGULATIONS.—The Director of the Office of Personnel Management may prescribe regulations to ensure appropriate consistency among heads of Executive agencies in the exercise of the authority granted by this section.

SEC. 1106. AUTHORITY FOR INCLUSION OF CERTAIN OFFICE OF DEFENSE RESEARCH AND ENGINEERING POSITIONS IN EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by adding ''and'' at the end; and

(3) by adding after subparagraph (C) the following new subparagraph (D):

''(D) not more than a total of 20 scientific and engineering positions in the Office of the Director of Defense Research and Engineering;''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. AUTHORITY TO EQUIP AND TRAIN FOREIGN PERSONNEL TO ASSIST IN ACCOUNTING FOR MISSING UNITED STATES PERSONNEL.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 408. Equipment and training of foreign personnel to assist in Department of Defense accounting for missing United States personnel

''(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance to any foreign nation to assist the Department of Defense with recovery of and accounting for missing United States personnel.

''(b) TYPES OF ASSISTANCE.—The assistance provided under subsection (a) may include the following:

''(1) Equipment.

''(2) Supplies.

''(3) Services.

''(4) Training of personnel.

''(c) LIMITATION.—The amount of assistance provided under this section in any fiscal year may not exceed $1,000,000.

''(d) CONSTRUCTION WITH OTHER ASSISTANCE.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations under law.

''(e) ANNUAL REPORTS.—(1) Not later than December 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the assistance provided under this section during the fiscal year ending in such year.

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

''(A) A statement of each foreign nation provided assistance under this section.

''(B) For each nation so provided assistance, a description of the type and amount of such assistance.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended by adding at the end the following new item:

''408. Equipment and training of foreign personnel to assist in Department of Defense accounting for missing United States personnel.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1202. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) INCREASE IN AMOUNT OF AUTHORIZED ASSISTANCE.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458) is amended by striking ''$100,000,000'' and inserting ''$200,000,000''.

(b) PROGRAM FOR ASSISTANCE.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsection (e), (f), and (g), respectively; and

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

''(d) FORMULATION AND IMPLEMENTATION OF PROGRAM FOR ASSISTANCE.—The Secretary of State shall coordinate with the Secretary of Defense in the formulation and implementation of a program of reconstruction, security, or stabilization assistance to a foreign country that involves the provision of services or transfer of defense articles or funds under subsection (a).''.

(c) ONE-YEAR EXTENSION.—Subsection (g) of such section, as redesignated by subsection (b) of this section, is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1203. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEAR 2008.—During fiscal year 2008, from funds made available to the Department of Defense for operation and maintenance for such fiscal year, not to exceed $977,441,000 may be used by the Secretary of Defense in such fiscal year to provide funds—

(1) for the Commanders' Emergency Response Program in Iraq for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(2) for a similar program to assist the people of Afghanistan.

(b) WAIVER AUTHORITY.—For purposes of exercising the authority provided by this section or any other provision of law making funds available for the Commanders' Emergency Response Program in Iraq or any similar program to assist the people of Afghanistan, the Secretary may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(c) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal-year quarter of fiscal year 2008, the Secretary shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs referred to in subsection (a).

(d) SUBMITTAL OF MODIFICATIONS OF GUIDANCE.—In the event any modification is made after the date of the enactment of this Act in the guidance issued to the Armed Forces by the Under Secretary of Defense (Comptroller) on February 18, 2005, concerning the allocation of funds through the Commanders' Emergency Response Program in Iraq and any similar program to assist the people of Afghanistan, the Secretary shall submit to the congressional defense committees a copy of such modification not later than 15 days after the date of such modification.

SEC. 1204. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON GLOBAL PEACE OPERATIONS INITIATIVE.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Comptroller General of the United States shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the Global Peace Operations Initiative.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) An assessment of whether, and to what extent, the Global Peace Operations Initiative has met the goals set by the President at the inception of the program in 2004.

(2) Which goals, if any, remain unfulfilled.

(3) A description of activities conducted by each member state of the Group of Eight (G–8), including the approximate cost of the activities, and the approximate percentage of the total monetary value of the activities conducted by each G–8 member, including the United States, as well as efforts by the President to seek contributions or participation by other G–8 members.

(4) A description of any activities conducted by non-G–8 members, or other organizations and institutions, as well as any efforts by the President to solicit contributions or participation.

(5) A description of the extent to which the Global Peace Operations Initiative has had global participation.

(6) A description of the administration of the program by the Department of State and Department of Defense, including—

(A) whether each Department should concentrate administration in one office or bureau, and if so, which one;

(B) the extent to which the two Departments coordinate and the quality of their coordination; and

(C) the extent to which contractors are used and an assessment of the quality and timeliness of the results achieved by the contractors, and whether the United States Government might have achieved similar or better results without contracting out functions.

(7) A description of the metrics, if any, that are used by the President and the G–8 to measure progress in implementation of the Global Peace Operations Initiative, including—

(A) assessments of the quality and sustainability of the training of individual soldiers and units;

(B) the extent to which the G–8 and participating countries maintain records or databases of trained individuals and units and conduct inspections to measure and monitor the continued readiness of such individuals and units;

(C) the extent to which the individuals and units are equipped and remain equipped to deploy in peace operations; and

(D) the extent to which, the timeline by which, and how individuals and units can be mobilized for peace operations.

(8) The extent to which, the timeline by which, and how individuals and units can be and are being deployed to peace operations.

(9) An assessment of whether individuals and units trained under the Global Peace Operations Initiative have been utilized in peace operations subsequent to receiving training under the Initiative, whether they will be deployed to upcoming operations in Africa and elsewhere, and the extent to which such individuals and units would be prepared to deploy and participate in such peace operations.

(10) Recommendations as to whether participation in the Global Peace Operations Initiative should require reciprocal participation by countries in peace operations.

(11) Any additional measures that could be taken to enhance the effectiveness of the Global Peace Operations Initiative in terms of—

(A) achieving its stated goals; and

(B) ensuring that individuals and units trained as part of the Initiative are regularly participating in peace operations.

Subtitle B—Other Authorities and Limitations

SEC. 1211. COOPERATIVE OPPORTUNITIES DOCUMENTS UNDER COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO ORGANIZATIONS AND OTHER ALLIED AND FRIENDLY FOREIGN COUNTRIES.

Section 2350a(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''(A)'';

(B) by striking ''an arms cooperation opportunities document'' and inserting ''a cooperative opportunities document before the first milestone or decision point''; and

(C) by striking subparagraph (B); and

(2) in paragraph (2), by striking ''An arms cooperation opportunities document'' and inserting ''A cooperative opportunities document''.

SEC. 1212. EXTENSION AND EXPANSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) EXPANSION TO NATIONS ENGAGED IN CERTAIN PEACEKEEPING OPERATIONS.—Subsection (a) of section 1202 of the John Warner National Defense Authorization Act for Fiscal

Year 2007 (Public Law 109–364; 120 Stat. 2412) is amended—

(1) in paragraph (1), by inserting ''or participating in combined operations with the United States as part of a peacekeeping operation under the Charter of the United Nations or another international agreement'' after ''Iraq or Afghanistan''; and

(2) in paragraph (3) by inserting '', or in a peacekeeping operation described in paragraph (1), as applicable,'' after ''Iraq or Afghanistan''.

(b) ONE-YEAR EXTENSION.—Subsection (e) of such section is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

(c) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''**FOREIGN FORCES IN IRAQ AND AFGHANISTAN**'' and inserting ''**CERTAIN FOREIGN FORCES**''.

SEC. 1213. ACCEPTANCE OF FUNDS FROM THE GOVERNMENT OF PALAU FOR COSTS OF MILITARY CIVIC ACTION TEAMS.

Section 104(a) of Public Law 99–658 (48 U.S.C. 1933(a)) is amended—

(1) by inserting ''(1)'' before ''In recognition''; and

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

''(2) The Secretary of Defense may accept from the Government of Palau the amount available for the use of the Government of Palau under paragraph (1). Any amount so accepted by the Secretary under this paragraph shall be credited to the appropriation or account available to the Department of Defense for the Civic Action Team with respect to which such amount is so accepted. Amounts so credited shall be merged with the appropriation or account to which credited, and shall be available to the Civic Action Team for the same purposes, and subject to the same conditions and limitations, as the appropriation or account with which merged.''.

SEC. 1214. EXTENSION OF PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) EXTENSION OF PARTICIPATION.—Section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416) is amended—

(1) in subsection (a), by striking ''fiscal year 2007'' and inserting ''during fiscal years 2007 and 2008''; and

(2) in subsection (e)(2), by inserting ''or 2008'' after ''in fiscal year 2007''.

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''October 31, 2007,'' and inserting ''October 31 of each of 2007 and 2008,''; and

(B) by striking ''fiscal year 2007'' and inserting ''fiscal year 2007 or 2008, as applicable''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''The report'' and inserting ''Each report''; and

(ii) by inserting '', for the fiscal year covered by such report,'' after ''shall include''; and

(B) in subparagraph (A), by striking ''fiscal year 2007''.

SEC. 1215. LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF THAILAND.

(a) LIMITATION.—Notwithstanding any other provision of law, no funds authorized to be appropriated by this Act may be obligated or expended to provide direct assistance to the Government of Thailand unless the President certifies to the congressional defense committees that a democratically-elected government has taken office in Thailand on or after October 1, 2007.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply with respect to funds as follows:

(1) Amounts authorized to be appropriated for Overseas Humanitarian, Disaster, and Civic Aid.

(2) Amounts otherwise authorized to be appropriated by this Act and available for humanitarian or emergency assistance for other nations.

(c) WAIVER.—The President may waive the limitation in subsection (a) if the President certifies to the congressional defense committees in writing that the waiver of the limitation is in the national security interests of the United States.

SEC. 1216. PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.

Not more than 75 percent of the amount authorized to be appropriated by this Act and available for the Office of the Under Secretary of Defense for Policy may be obligated or expended for that purpose until the President submits to Congress the report required by section 1213(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2422).

SEC. 1217. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING IMPLEMENTATION OF REQUIREMENTS REGARDING NORTH KOREA.

Notwithstanding any other provision of law, no funds authorized to be appropriated for the Department of Defense by this Act or any other Act for the provision of security and stabilization assistance as authorized by section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (as amended by section 1202 of this Act) may be obligated or expended for that purpose until the President certifies to Congress that all the provisions of section 1211 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–163; 120 Stat. 2420) have been or are being carried out.

Subtitle C—Reports

SEC. 1231. REPORTS ON UNITED STATES POLICY AND MILITARY OPERATIONS IN AFGHANISTAN.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act and every 180 days thereafter through the end of fiscal year 2009, the President shall submit to the congressional defense committees a report on United States policy and military operations in Afghanistan.

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

(1) A comprehensive strategy, coordinated between and among the departments and agencies of the United States Government, for achieving the objectives of United States policy and military operations in Afghanistan.

(2) A description of current and proposed efforts to assist the Government of Afghanistan in increasing the size and capability of the Afghan Security Forces, including key criteria for measuring the capabilities and readiness of the Afghan National Army, the Afghan National Police, and other Afghan security forces.

(3) A description of current and proposed efforts of the United States Government to work with coalition partners to strengthen the International Security Assistance Force (ISAF) led by the North Atlantic Treaty Organization (NATO) in Afghanistan, including efforts—

(A) to encourage North Atlantic Treaty Organization members to make or fulfill commitments to meet North Atlantic Treaty Organization mission requirements with respect to the International Security Assistance Force; and

(B) to remove national restrictions on the use of forces of members of the North Atlantic Treaty Organization deployed as part of the International Security Assistance Force mission.

(4) A description of current and proposed efforts to improve provincial governance and expand economic development in the provinces of Afghanistan, including—

(A) a statement of the mission and objectives of the Provincial Reconstruction Teams in Afghanistan;

(B) a description of the number, funding (including the sources of funding), staffing requirements, and current staffing levels of the Provincial Reconstruction Teams, set forth by United States Government agency;

(C) an evaluation of the effectiveness of each Provincial Reconstruction Team, including each team under the command of the United States and each team under the command of the International Security Assistance Force, in achieving its mission and objectives; and

(D) a description of the collaboration, if any, between the United States Agency for International Development and Special Operations Forces in such efforts, and an assessment of the results of such collaboration.

(5) With respect to current counternarcotics efforts in Afghanistan—

(A) a description of the counternarcotics plan of the United States Government in Afghanistan, including a statement of priorities among United States counterdrug activities (including interdiction, eradication, and alternative livelihood programs) within that plan, and a description of the specific resources allocated for each such activity;

(B) a description of the counternarcotics roles and missions assumed by the local and provincial governments of Afghanistan, the Government of Afghanistan, particular departments and agencies of the United States Government, the International Security Assistance Force, and other governments;

(C) a description of the extent, if any, to which counternarcotics operations in or with respect to Afghanistan have been determined to constitute a United States military mission, and the justification for that determination;

(D) a description of United States efforts to destroy drug manufacturing facilities; and

(E) a description of United States efforts to apprehend or eliminate major drug traffickers in Afghanistan, and a description of the extent to which such drug traffickers are currently assisting United States counterterrorist efforts.

(6) A description of current and proposed efforts to help the Government of Afghanistan fight public corruption and strengthen the rule of law.

(7) A description of current and proposed diplomatic and other efforts to encourage and assist the Government of Pakistan to eliminate safe havens for Taliban, Al Qaeda, and other extremists within the territory of Pakistan which threaten the stability of Afghanistan, and an evaluation of the cooperation of the Government of Pakistan in eliminating such safe havens.

(c) FORM.—Each report required by subsection (a) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

SEC. 1232. STRATEGY FOR ENHANCING SECURITY IN AFGHANISTAN BY ELIMINATING SAFE HAVENS FOR VIOLENT EXTREMISTS IN PAKISTAN.

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

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime from Afghanistan.

(2) In early September 2006, the Government of Pakistan signed a peace agreement with pro-Taliban militants in Miramshah, North Waziristan, Pakistan. Under the agreement, local tribesmen in North Waziristan agreed to halt cross-border movement of pro-Taliban insurgents from the North Waziristan area to Afghanistan and to remove all foreigners who do not respect the peace and abide by the agreement.

(3) In late September 2006, United States military officials in Kabul, Afghanistan, reported two-fold, and in cases three-fold, increases in the number of cross-border attacks along the Afghanistan border with Pakistan in the weeks following the signing of the agreement referred to in paragraph (2).

(4) On February 13, 2007, Lieutenant General Karl W. Eikenberry, the former commanding general of Combined Forces Command—Afghanistan, stated in a written statement to the Committee on Armed Services of the House of Representatives that ''Al Qaeda and Taliban leadership presence inside Pakistan remains a significant problem that must be satisfactorily addressed if we are to prevail in Afghanistan and if we are to defeat the global threat posed by international terrorism''.

(5) On February 27, 2007, John McConnell, the Director of National Intelligence, stated in a written statement to the Committee on Armed Services of the Senate that ''[e]liminating the safehaven that the Taliban and other extremists have found in Pakistan's tribal areas is not sufficient to end the insurgency in Afghanistan but it is necessary''.

(b) STRATEGY RELATING TO PAKISTAN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a report describing the long-term strategy of the United States to engage with the Government of Pakistan—

(A) to prevent the movement of Taliban, Al Qaeda, and other violent extremist forces across the border of Pakistan into Afghanistan; and

(B) to eliminate safe havens for such forces on the national territory of Pakistan.

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

(c) LIMITATION ON AVAILABILITY OF DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—

(1) LIMITATION.—For fiscal years 2008 and 2009, the Government of Pakistan may not be reimbursed in any fiscal year quarter for the provision to the United States of logistical, military, or other support utilizing funds appropriated or otherwise made available by an Act making supplemental appropriations for fiscal year 2007 for operations in Iraq and Afghanistan, or any other Act, for the purpose of making payments to reimburse key cooperating nations for the provision to the United States of such support unless the President certifies to the congressional defense committees for such fiscal year quarter that the Government of Pakistan is making substantial and sustained efforts to eliminate safe havens for the Taliban, Al Qaeda and other violent extremists in areas under its sovereign control, including in the cities of Quetta and Chaman and in the Northwest Frontier Province and the Federally Administered Tribal Areas.

(2) CONTENT OF CERTIFICATION.—Each certification submitted under paragraph (1) shall include a detailed description of the efforts made by the Government of Pakistan to eliminate safe havens for the Taliban, Al Qaeda, and other violent extremists in areas under its sovereign control.

(3) FORM.—Each certification submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) WAIVER.—The President may waive the limitation on reimbursements under paragraph (1) for a fiscal year quarter if the President determines and certifies to the congressional defense committees that it is important to the national security interest of the United States to do so.

SEC. 1233. ONE-YEAR EXTENSION OF UPDATE ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

Section 1225(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465) is amended by striking ''Not later than one year after enactment of this Act,'' and inserting ''Not later than each of January 6, 2007, and January 7, 2008,''.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note), as amended by section 1303 of this Act.

(b) FISCAL YEAR 2008 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2008 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $428,048,000 authorized to be appropriated to the Department of Defense for fiscal year 2008 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $102,885,000.

(2) For nuclear weapons storage security in Russia, $22,988,000.

(3) For nuclear weapons transportation security in Russia, $37,700,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $51,986,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $194,489,000.

(6) For chemical weapons destruction in Russia, $1,000,000.

(7) For threat reduction outside the former Soviet Union, $10,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $19,000,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2008 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2008 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2008 for a purpose listed in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS IN STATES OUTSIDE THE FORMER SOVIET UNION.

Section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note) is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''; and

(2) by adding at the end the following new subsection:

''(c) SPECIFIED PROGRAMS WITH RESPECT TO STATES OUTSIDE THE FORMER SOVIET UNION.—The programs referred to in subsection (a) are the following programs with respect to states that are not states of the former Soviet Union:

''(1) Programs to facilitate the elimination, and safe and secure transportation and storage, of biological, or chemical weapons, materials, weapons components, or weapons-related materials.

''(2) Programs to prevent the proliferation of nuclear, chemical, or biological weapons, weapons components, and weapons-related military technology and expertise.

''(3) Programs to facilitate detection and reporting of highly pathogenic diseases or other diseases that are associated with or that could be utilized as an early warning mechanism for disease outbreaks that could impact the Armed Forces of the United States or allies of the United States.''.

SEC. 1304. MODIFICATION OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) in subsection (a), by striking ''the President'' the second place it appears and inserting ''the Secretary of Defense, with the concurrence of the Secretary of State,''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''the President'' the second place it appears and inserting ''the Secretary of Defense, with the concurrence of the Secretary of State,''; and

(B) in paragraph (2), by striking ''the President'' and inserting ''the Secretary of Defense and the Secretary of State''.

SEC. 1305. REPEAL OF RESTRICTIONS ON ASSISTANCE TO STATES OF THE FORMER SOVIET UNION FOR COOPERATIVE THREAT REDUCTION.

(a) IN GENERAL.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—The Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is amended—

(A) by striking section 211; and

(B) in section 212, by striking '', consistent with the findings stated in section 211,''.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952) is amended by striking subsection (d).

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(4) CONFORMING REPEAL.—Section 1303 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SEC. 1306. NATIONAL ACADEMY OF SCIENCES STUDY OF PREVENTION OF PROLIFERATION OF BIOLOGICAL WEAPONS.

(a) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to identify areas for cooperation with states other than states of the former Soviet Union under the Cooperative Threat Reduction program of the Department of Defense in the prevention of proliferation of biological weapons.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall provide for the study under subsection (a) to include the following:

(1) An assessment of trends in the biological sciences and biotechnology that will affect the capabilities of governments of developing countries to control the containment and use of dual-use technologies of potential interest to terrorist organizations or individuals with hostile intentions.

(2) An assessment of the approaches to cooperative threat reduction used by the states of the former Soviet Union that are of special relevance in preventing the proliferation of biological weapons in other areas of the world.

(3) A review of programs of the United States Government and other governments, international organizations, foundations, and other private sector entities used in developing countries that are not states of the former Soviet Union that may contribute to the prevention of the proliferation of biological weapons.

(4) Recommendations on steps for integrating activities of the Cooperative Threat Reduction program relating to the prevention of the proliferation of biological weapons with activities of other departments and agencies of the United States addressing problems and opportunities in developing countries that are not states of the former Soviet Union.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, 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 on the study carried out under subsection (a).

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) The results of the study carried out under subsection (a), including any report received by the Secretary from the National Academy of Sciences on the study.

(B) An assessment by the Secretary of the study.

(C) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the study.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(18) for Cooperative Threat Reduction programs, not more than $2,500,000 may be obligated or expended to carry out this section.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $102,446,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,250,300,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the National Defense Sealift Fund in the amount of $1,044,194,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $22,543,124,000, of which—

(1) $22,044,381,000 is for Operation and Maintenance;

(2) $136,482,000 is for Research, Development, Test, and Evaluation; and

(3) $362,261,000 is for Procurement.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,491,724,000, of which—

(1) $1,186,452,000 is for Operation and Maintenance;

(2) $274,846,000 is for Research, Development, Test, and Evaluation; and

(3) $30,426,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $959,322,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $225,995,000, of which—

(1) $224,995,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by this division is the amount equal to the sum of all the amounts authorized to be appropriated by the provisions of this division reduced by $1,627,000,000, to be allocated as follows:

(1) PROCUREMENT.—The aggregate amount authorized to be appropriated by title I is hereby reduced by $601,000,000.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The aggregate amount authorized to be appropriated by title II is hereby reduced by $451,000,000.

(3) OPERATION AND MAINTENANCE.—The aggregate amount authorized to be appropriated by title III is hereby reduced by $554,000,000.

(4) OTHER AUTHORIZATIONS.—The aggregate amount authorized to be appropriated by title XIV is hereby reduced by $21,000,000.

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the difference between the inflation assumptions used in the Concurrent Resolution on the Budget for Fiscal Year 2008 when compared with the inflation assumptions used in the budget of the President for fiscal year 2008, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate the reductions required by this section among the amounts authorized to be appropriated for accounts in titles I, II, III, and XIV to reflect the extent to which net savings from lower-than-expected inflations are allocable to amounts authorized to be appropriated to such accounts.

Subtitle B—National Defense Stockpile

SEC. 1411. DISPOSAL OF FERROMANGANESE.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 50,000 tons of ferromanganese from the National Defense Stockpile during fiscal year 2008.

(b) CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.—

(1) IN GENERAL.—If the Secretary of Defense completes the disposal of the total quantity of ferromanganese authorized for disposal by subsection (a) before September 30, 2008, the Secretary of Defense may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(2) ADDITIONAL AMOUNTS.—If the Secretary completes the disposal of the total quantity of additional ferromanganese authorized for disposal by paragraph (1) before September 30, 2008, the Secretary may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary of Defense may dispose of ferromanganese under the authority of paragraph (1) or (2) of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal under the applicable paragraph, that—

(1) the disposal of the additional ferromanganese from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional ferromanganese will not cause disruption to the usual markets of producers and processors of ferromanganese in the United States; and

(3) the disposal of the additional ferromanganese is consistent with the requirements and purpose of the National Defense Stockpile.

(d) DELEGATION OF RESPONSIBILITY.—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 1412. DISPOSAL OF CHROME METAL.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 500 short tons of chrome metal from the National Defense Stockpile during fiscal year 2008.

(b) CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.—

(1) IN GENERAL.—If the Secretary of Defense completes the disposal of the total quantity of chrome metal authorized for disposal by subsection (a) before September 30, 2008, the Secretary of Defense may dispose of up to an additional 250 short tons of chrome metal from the National Defense Stockpile before that date.

(2) ADDITIONAL AMOUNTS.—If the Secretary completes the disposal of the total quantity of additional chrome metal authorized for disposal by paragraph (1) before September 30, 2008, the Secretary may dispose of up to an additional 250 short tons of chrome metal from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary of Defense may dispose of chrome metal under the authority of paragraph (1) or (2) of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal under the applicable paragraph, that—

(1) the disposal of the additional chrome metal from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional chrome metal will not cause disruption to the usual markets of producers and processors of chrome metal in the United States; and

(3) the disposal of the additional chrome metal is consistent with the requirements and purpose of the National Defense Stockpile.

(d) DELEGATION OF RESPONSIBILITY.—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 1413. MODIFICATION OF RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

(a) FISCAL YEAR 2000 DISPOSAL AUTHORITY.—Paragraph (5) of section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 50 U.S.C. 98d note), as amended by section 3302(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3546), is further amended by striking ''$600,000,000 before'' and inserting ''$729,000,000 by''.

(b) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Paragraph (7) of section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as amended by section 3302(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2513), is further amended to read as follows:

''(7) $1,469,102,000 by the end of fiscal year 2015.''.

Subtitle C—Civil Programs

SEC. 1421. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2008 from the Armed Forces Retirement Home Trust Fund the sum of $61,624,000 for the operation of the Armed Forces Retirement Home.

Subtitle D—Chemical Demilitarization Matters

SEC. 1431. MODIFICATION OF TERMINATION REQUIREMENT FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.

(a) MODIFICATION.—Subsection (h) of section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended by striking ''after the stockpile located in that commission's State has been destroyed'' and inserting ''upon the earlier of—

''(1) the completion of closure activities for the chemical agent destruction facility in the commission's State as required pursuant to regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or

''(2) the request of the Governor of the commission's State.''.

(b) TECHNICAL AMENDMENTS.—Subsections (b), (f), and (g) of such section are each amended by striking ''Assistant Secretary of the Army (Research, Development, and Acquisition)'' and inserting ''Assistant Secretary of the Army (Acquisition, Logistics, and Technology)''.

SEC. 1432. REPEAL OF CERTAIN QUALIFICATIONS REQUIREMENT FOR DIRECTOR OF CHEMICAL DEMILITARIZATION MANAGEMENT ORGANIZATION.

Section 1412(e)(3) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(e)(3)) is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 1433. SENSE OF CONGRESS ON COMPLETION OF DESTRUCTION OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

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

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the ''Chemical Weapons Convention''), requires that destruction of the entire United States chemical weapons stockpile be completed by not later than April 29, 2007.

(2) In 2006, under the terms of the Chemical Weapons Convention, the United States requested and received a one-time, 5-year extension of its chemical weapons destruction deadline to April 29, 2012.

(3) On April 10, 2006, the Secretary of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of the United States chemical weapons stockpile, but would ''continue working diligently to minimize the time to complete destruction without sacrificing safety and security'' and would also ''continue requesting resources needed to complete destruction as close to April 2012 as practicable''.

(4) Destroying the remaining stockpile of United States chemical weapons is imperative for public safety and homeland security, and doing so by April 2012, in accordance with the current destruction deadline provided under the Chemical Weapons Convention, is required by United States law.

(5) The elimination of chemical weapons anywhere they exist in the world, and the prevention of their proliferation, is of utmost importance to the national security of the United States.

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

(1) the United States is, and must remain, committed to making every effort to safely dispose of its entire chemical weapons stockpile by April 2012, the current destruction deadline provided under the Chemical Weapons Convention, or as soon thereafter as possible, and must carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should make every effort to plan for, and to request in the annual budget of the President submitted to Congress adequate funding to complete, the elimination of the United States chemical weapons stockpile in accordance with United States obligations under the Chemical Weapons Convention and in a manner that will protect public health, safety, and the environment, as required by law.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 15, 2008, and every 180 days thereafter until the year in which the United States completes the destruction of its entire stockpile of chemical weapons under the terms of the Chemical Weapons Convention, the Secretary of Defense shall submit to the members and committees of Congress referred to in paragraph (3) a report on the implementation by the United States of its chemical weapons destruction obligations under the Chemical Weapons Convention.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) The anticipated schedule at the time of such report for the completion of destruction of chemical agents, munitions, and materiel at each chemical weapons demilitarization facility in the United States.

(B) A description of the options and alternatives for accelerating the completion of chemical weapons destruction at each such facility, particularly in time to meet the destruction deadline of April 29, 2012, currently provided by the Chemical Weapons Convention.

(C) A description of the funding required to achieve each of the options for destruction described under subparagraph (B).

(D) A description of all actions being taken by the United States to accelerate the destruction of its entire stockpile of chemical weapons, agents, and materiel in order to meet the current destruction deadline under the Chemical Weapons Convention of April 29, 2012, or as soon thereafter as possible.

(3) MEMBERS AND COMMITTEES OF CONGRESS.—The members and committees of Congress referred to in this paragraph are—

(A) the majority leader of the Senate, the minority leader of the Senate, and the Committees on Armed Services and Appropriations of the Senate; and

(B) the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Committees on Armed Services and Appropriations of the House of Representatives.

TITLE XV—OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Subtitle A—Authorization of Additional War-Related Appropriations

SEC. 1501. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $890,786,000.

(2) For missiles, $492,734,000.

(3) For weapons and tracked combat vehicles procurement, $1,249,177,000.

(4) For ammunition, $303,000,000.

(5) For other procurement, $10,310,055,000.

SEC. 1502. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $2,263,018,000.

(2) For weapons procurement, $251,281,000.

(3) For other procurement, $814,311,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for the Marine Corps in the amount of $4,236,140,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $590,090,000.

SEC. 1503. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $2,069,009,000.

(2) For ammunition, $74,005,000.

(3) For missile procurement, $1,800,000.

(4) For other procurement, $4,163,450,000.

SEC. 1504. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for Defense-wide in the amount of $593,768,000.

SEC. 1505. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $121,653,000.

(2) For the Navy, $370,798,000.

(3) For the Air Force, $922,791,000.

(4) For Defense-wide activities, $535,087,000.

SEC. 1506. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $45,519,264,000.

(2) For the Navy, $5,190,000,000.

(3) For the Marine Corps, $4,013,093,000.

(4) For the Air Force, $10,532,630,000.

(5) For Defense-wide activities, $5,976,216,000.

(6) For the Army Reserve, $158,410,000.

(7) For the Navy Reserve, $69,598,000.

(8) For the Marine Corps Reserve, $68,000,000.

(9) For the Army National Guard, $466,150,000.

(10) For the Air National Guard, $31,168,000.

SEC. 1507. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $9,140,516,000.

(2) For the Navy, $752,089,000.

(3) For the Marine Corps, $817,475,000.

(4) For the Air Force, $1,411,890,000.

(5) For the Army Reserve, $235,000,000.

(6) For the Navy Reserve, $70,000,000.

(7) For the Marine Corps Reserve, $15,420,000.

(8) For the Air Force Reserve, $3,000,000.

(9) For the Army National Guard, $476,584,000.

SEC. 1508. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $1,022,842,000, for operation and maintenance.

SEC. 1509. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $257,618,000.

SEC. 1510. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATION.—Funds are hereby authorized for fiscal year 2008 for the Joint Improvised Explosive Device Defeat Fund in the amount of $4,500,000,000.

(b) USE OF FUNDS.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop, and provide equipment, supplies, services, training, facilities, personnel, and funds to assist United States forces in the defeat of improvised explosive devices.

(c) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Amounts authorized to be appropriated by subsection (a) may be transferred from the Joint Improvised Explosive Device Defeat Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(2) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Joint Improvised Explosive Device Defeat Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Joint Improvised Explosive Device Defeat Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—Funds may not be obligated from the Joint Improvised Explosive Device Defeat Fund, or transferred under the authority provided in subsection (c)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(e) MANAGEMENT PLAN.—

(1) PLAN REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the intended management and use of the Joint Improvised Explosive Device Defeat Fund.

(2) MATTER TO BE INCLUDED.—The plan required by paragraph (1) shall include an update of the plan required in the paragraph under the heading ''Joint Improvised Explosive Device Defeat Fund'' in chapter 2 of title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 424), including identification of—

(A) year-to-date transfers and obligations; and

(B) projected transfers and obligations through September 30, 2008.

(f) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the detail of any obligation or transfer of funds from the Joint Improvised Explosive Device Defeat Fund plan required by subsection (e).

(g) DURATION OF AUTHORITY.—Amounts appropriated to the Joint Improvised Explosive Device Defeat Fund are available for obligation or transfer from the Fund until September 30, 2009.

SEC. 1511. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Iraq Security Forces Fund in the amount of $2,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) NOTICE TO CONGRESS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees in writing upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Fund during fiscal year 2008 are available for obligation or transfer from the Iraq Security Forces Fund in accordance with this section until September 30, 2009.

SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Afghanistan Security Forces Fund in the amount of $2,700,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Office of Security Cooperation–Afghanistan, to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR TRANSFER.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees in writing upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Fund during fiscal year 2008 are available for obligation or transfer from the Afghanistan Security Forces Fund in accordance with this section until September 30, 2009.

SEC. 1513. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Iraq Freedom Fund in the amount of $107,500,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1514. DEFENSE WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Working Capital Funds in the amount of $1,676,275,000.

SEC. 1515. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the National Defense Sealift Fund in the amount of $5,100,000.

SEC. 1516. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for expenses, not otherwise provided for, for the Office of Inspector General of the Department of Defense in the amount of $4,394,000, for Operation and Maintenance.

Subtitle B—General Provisions Relating to Authorizations

SEC. 1521. PURPOSE.

The purpose of this title is to authorize additional appropriations for the Department of Defense for fiscal year 2008 for the incremental costs of Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1522. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1523. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2008 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the

same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Other Matters

SEC. 1531. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1532. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by section 1506 for operation and maintenance, Defense-wide activities, the Secretary of Defense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) AMOUNTS OF REIMBURSEMENT.—

(1) IN GENERAL.—Reimbursement authorized by subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided.

(2) STANDARDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe standards for determining the kinds of logistical and military support to the United States that shall be considered reimbursable under the authority in subsection (a). Such standards may not take effect until 15 days after the date on which the Secretary submits to the congressional defense committees a report setting forth such standards.

(c) LIMITATIONS.—

(1) LIMITATION ON AMOUNT.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2008 may not exceed $1,200,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary of Defense may not enter into any contractual obligation to make a reimbursement under the authority in subsection (a).

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall—

(1) notify the congressional defense committees not less than 15 days before making any reimbursement under the authority in subsection (a); and

(2) submit to the congressional defense committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a) during such quarter.

SEC. 1533. LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AVAILABILITY OF FUNDS FOR LOGISTICAL SUPPORT.—Subject to the provisions of this section, amounts available to the Department of Defense for fiscal year 2008 for operation and maintenance may be used to provide supplies, services, transportation (including airlift and sealift), and other logistical support to coalition forces supporting United States military and stabilization operations in Iraq and Afghanistan.

(b) REQUIRED DETERMINATION.—The Secretary may provide logistical support under the authority in subsection (a) only if the Secretary determines that the coalition forces to be provided the logistical support—

(1) are essential to the success of a United States military or stabilization operation; and

(2) would not be able to participate in such operation without the provision of the logistical support.

(c) COORDINATION WITH EXPORT CONTROL LAWS.—Logistical support may be provided under the authority in subsection (a) only in accordance with applicable provisions of the Arms Export Control Act and other export control laws of the United States.

(d) LIMITATION ON VALUE.—The total amount of logistical support provided under the authority in subsection (a) in fiscal year 2008 may not exceed $400,000,000.

(e) QUARTERLY REPORTS.—

(1) REPORTS REQUIRED.—Not later than 15 days after the end of each fiscal-year quarter of fiscal year 2008, the Secretary shall submit to the congressional defense committees a report on the provision of logistical support under the authority in subsection (a) during such fiscal-year quarter.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal-year quarter covered by such report, the following:

(A) Each nation provided logistical support under the authority in subsection (a).

(B) For each such nation, a description of the type and value of logistical support so provided.

SEC. 1534. COMPETITION FOR PROCUREMENT OF SMALL ARMS SUPPLIED TO IRAQ AND AFGHANISTAN.

(a) COMPETITION REQUIREMENT.—For the procurement of pistols and other weapons described in subsection (b), the Secretary of Defense shall ensure, consistent with the provisions of section 2304 of title 10, United States Code, that—

(1) full and open competition is obtained to the maximum extent practicable;

(2) no responsible United States manufacturer is excluded from competing for such procurements; and

(3) products manufactured in the United States are not excluded from the competition.

(b) PROCUREMENTS COVERED.—This section applies to the procurement of the following:

(1) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Iraq, the Iraqi Police Forces, and other Iraqi security organizations.

(2) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Afghanistan, the Afghani Police Forces, and other Afghani security organizations.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2008''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot.	$26,000,000
	Redstone Arsenal	$20,000,000
Alaska	Fort Richardson	$92,800,000
	Fort Wainwright	$114,500,000
Arizona	Fort Huachuca	$129,600,000
California	Fort Irwin	$24,000,000
	Presidio, Monterey	$28,000,000
Colorado	Fort Carson	$156,200,000
Delaware	Dover Air Force Base	$17,500,000
Florida	Eglin Air Force Base	$66,000,000
	Miami Doral	$237,000,000
Georgia	Fort Benning	$185,800,000
	Fort Stewart/Hunter Army Air Field.	$123,500,000
Hawaii	Fort Shafter	$31,000,000
	Schofield Barracks	$88,000,000
	Wheeler Army Air Field.	$51,000,000
Illinois	Rock Island Arsenal	$3,350,000
Kansas	Fort Leavenworth	$90,800,000
	Fort Riley	$138,300,000
Kentucky	Fort Campbell	$105,000,000
	Fort Knox	$6,700,000
Louisiana	Fort Polk	$15,900,000
Maryland	Aberdeen Proving Ground.	$12,200,000
Michigan	Detroit Arsenal	$18,500,000
Missouri	Fort Leonard Wood	$125,650,000
Nevada	Hawthorne Army Ammunition Plant.	$11,800,000
New Mexico.	White Sands Missile Range.	$71,000,000
New York	Fort Drum	$291,000,000
North Carolina.	Fort Bragg	$275,600,000
Oklahoma	Fort Sill	$6,200,000
South Carolina.	Fort Jackson	$85,000,000
Texas	Camp Bullis	$1,600,000
	Fort Bliss	$111,900,000
	Fort Hood	$145,400,000
	Fort Sam Houston	$19,150,000
	Red River Army Depot.	$9,200,000
Virginia	Fort Belvoir	$13,000,000
	Fort Eustis	$75,000,000
	Fort Lee	$16,700,000
	Fort Myer	$20,800,000
Washington.	Fort Lewis	$164,600,000
	Yakima Training Center.	$29,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Bulgaria	Nevo Selo FOS	$61,000,000
Germany	Grafenwoehr	$62,000,000
Honduras	Soto Cano Air Base	$2,550,000
Italy	Vicenza	$173,000,000
Korea	Camp Humphreys	$57,000,000
Romania	Mihail Kogalniceanu FOS.	$12,600,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Ansbach	138	$52,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,000,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $365,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $5,218,067,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $3,254,250,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $295,150,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $333,947,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $419,400,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $742,920,000.

(6) For the construction of increment 3 of a barracks complex at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $47,400,000.

(7) For the construction of increment 2 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), $102,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $204,000,000 (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289) (as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5)), for construction of a brigade complex for Fort Lewis, Washington).

(3) $37,000,000 (the balance of the amount authorized under section 2101(b) for construction of a brigade complex operations support facility at Vicenza, Italy).

(4) $36,000,000 (the balance of the amount authorized under section 2101(b) for construction of a brigade complex barracks and community support facility at Vicenza, Italy).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 ARMY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), is further amended—

(1) by striking the item relating to Redstone Arsenal, Alabama;

(2) by striking the item relating to Fort Wainwright, Alaska;

(3) in the item relating to Fort Irwin, California, by striking ''$18,200,000'' in the amount column and inserting ''$10,000,000'';

(4) in the item relating to Fort Carson, Colorado, by striking ''$30,800,000'' in the amount column and inserting ''$24,000,000'';

(5) in the item relating to Fort Leavenworth, Kansas, by striking ''$23,200,000'' in the amount column and inserting ''$15,000,000'';

(6) in the item relating to Fort Riley, Kansas, by striking ''$47,400,000'' in the amount column and inserting ''$37,200,000'';

(7) in the item relating to Fort Campbell, Kentucky, by striking ''$135,300,000'' in the amount column and inserting ''$115,400,000'';

(8) by striking the item relating to Fort Polk, Louisiana;

(9) by striking the item relating to Aberdeen Proving Ground, Maryland;

(10) by striking the item relating to Fort Detrick, Maryland;

(11) by striking the item relating to Detroit Arsenal, Michigan;

(12) in the item relating to Fort Leonard Wood, Missouri, by striking ''$34,500,000'' in the amount column and inserting ''$17,000,000'';

(13) by striking the item relating to Picatinny Arsenal, New Jersey;

(14) in the item relating to Fort Drum, New York, by striking ''$218,600,000'' in the amount column and inserting ''$209,200,000'';

(15) in the item relating to Fort Bragg, North Carolina, by striking ''$96,900,000'' in the amount column and inserting ''$89,000,000'';

(16) by striking the item relating to Letterkenny Depot, Pennsylvania;

(17) by striking the item relating to Corpus Christi Army Depot, Texas;

(18) by striking the item relating to Fort Bliss, Texas;

(19) in the item relating to Fort Hood, Texas, by striking ''$93,000,000'' in the amount column and inserting ''$75,000,000'';

(20) by striking the item relating to Red River Depot, Texas; and

(21) by striking the item relating to Fort Lee, Virginia.

(b) CONFORMING AMENDMENTS.—Section 2104(a) of such Act (120 Stat. 2447) is amended—

(1) in the matter preceding paragraph (1), by striking ''$3,518,450,000'' and inserting ''$3,275,700,000''; and

(2) in paragraph (1), by striking ''$1,362,200,000'' and inserting ''$1,119,450,000''.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485) is amended in the item relating to Fort Bragg, North Carolina, by striking ''$301,250,000'' in the amount column and inserting ''$308,250,000''.

(b) CONFORMING AMENDMENTS.—Section 2104(b)(5) of that Act (119 Stat. 3488) is amended by striking ''$77,400,000'' and inserting ''$84,400,000''.

SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Schofield Barracks, Hawaii.	Training facility	$35,542,000

SEC. 2108. TECHNICAL AMENDMENTS TO THE MILITARY CONSTRUCTION AUTHORIZATION ACT FOR 2007.

(a) TECHNICAL AMENDMENT TO SPECIFY LOCATION OF PROJECT IN ROMANIA.—The table in section 2101(b) of the Military Construction Authorization Act for 2007 (division B of Public Law 109–364; 120 Stat. 2446) is amended by striking ''Babadag Range'' and inserting ''Mihail Kogalniceanu Air Base''.

(b) TECHNICAL AMENDMENT TO CORRECT PRINTING ERROR RELATING TO ARMY FAMILY HOUSING.—The table in section 2102(a) of the Military Construction Authorization Act for 2007 (division B of Public Law 109–364; 120 Stat. 2446) is amended by striking ''Fort McCoyine'' and inserting ''Fort McCoy''.

SEC. 2109. GROUND LEASE, SOUTHCOM HEADQUARTERS FACILITY, MIAMI-DORAL, FLORIDA.

(a) GROUND LEASE AUTHORIZED.—The Secretary of the Army may utilize the State of Florida property as described in sublease number 4489–01, entered into between the State of Florida and the United States (in this section referred to as the ''ground lease''), for the purpose of constructing a consolidated headquarters facility for the United States Southern Command (SOUTHCOM).

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may carry out the project to construct a new headquarters on property leased from the State of Florida when the following conditions have been met regarding the lease for the property:

(1) The United States Government shall have the right to use the property without interruption until at least December 31, 2055.

(2) The United States Government shall have the right to use the property for general administrative purposes in the event the

United States Southern Command relocates or vacates the property.

(c) AUTHORITY TO OBTAIN GROUND LEASE OF ADJACENT PROPERTY.—The Secretary may obtain the ground lease of additional real property owned by the State of Florida that is adjacent to the real property leased under the ground lease for purposes of completing the construction of the SOUTHCOM headquarters facility, as long as the additional terms of the ground lease required by subsection (b) apply to such adjacent property.

(d) LIMITATION.—The Secretary may not obligate or expend funds appropriated pursuant to the authorization of appropriations in section 2104(a)(1) for the construction of the SOUTHCOM headquarters facility authorized under section 2101(a) until the Secretary transmits to the congressional defense committees a modification to the ground lease signed by the United States Government and the State of Florida in accordance with subsection (b).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Alabama ..	Outlying Field Evergreen.	$9,560,000
Arizona	Marine Corps Air Station, Yuma.	$33,720,000
California	Marine Corps Base, Camp Pendleton.	$366,394,000
	Marine Corps Air Station, Miramar.	$26,760,000
	Naval Station, San Diego.	$23,630,000
	Marine Corps Base, Twentynine Palms.	$147,059,000
Connecticut.	Naval Submarine Base, New London.	$11,900,000
Florida	Marine Corps Logistics Base, Blount Island.	$7,570,000
	Cape Canaveral	$9,900,000
	Naval Surface Warfare Center, Panama City.	$13,870,000
Hawaii	Marine Corps Air Station, Kaneohe.	$37,961,000
	Naval Base, Pearl Harbor.	$99,860,000
	Naval Shipyard, Pearl Harbor.	$30,200,000
	Naval Station Pearl Harbor, Wahiawa.	$65,410,000
Illinois	Naval Training Center, Great Lakes.	$10,221,000
Indiana	Naval Support Activity, Crane.	$12,000,000
Maryland	Naval Air Warfare Center, Patuxent River.	38,360,000
Maine	Naval Shipyard, Portsmouth.	$9,700,000
Mississippi	Naval Air Station, Meridian.	$6,770,000
Nevada	Naval Air Station, Fallon.	$11,460,000
New Jersey.	Naval Air Station, Lakehurst.	$4,100,000
North Carolina.	Marine Corps Air Station, Cherry Point.	$28,610,000
	Marine Corps Air Station, New River.	$54,430,000
	Marine Corps Base, Camp Lejeune.	$278,070,000
Rhode Island.	Naval Station, Newport.	$9,990,000
South Carolina.	Marine Corps Air Station, Beaufort.	$6,800,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
	Marine Corps Recruit Depot, Parris Island.	$55,282,000
Texas	Naval Air Station, Corpus Christi.	$14,290,000
Virginia ...	Naval Support Activity, Chesapeake.	$8,450,000
	Naval Station, Norfolk.	$79,560,000
	Marine Corps Base, Quantico.	$50,519,000
Washington.	Naval Station, Bremerton.	$119,760,000
	Naval Station, Everett.	$10,940,000
	Naval Air Station, Whidbey Island.	$23,910,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Naval Support Activity, Bahrain.	$35,500,000
Diego Garcia.	Naval Support Facility, Diego Garcia.	$7,150,000
Djibouti	Camp Lemonier	$22,390,000
Guam	Naval Activities, Guam.	$273,518,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Wharf Utilities Upgrade.	$8,900,000
	Host Nation Infrastructure.	$2,700,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation	Units	Amount
Mariana Islands.	Naval Activities, Guam.	73	$47,167,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $3,172,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $237,990,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,032,790,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,717,016,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $338,558,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $11,600,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $119,658,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $300,095,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $371,404,000.

(7) For the construction of increment 2 of the construction of an addition to the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $52,069,000.

(8) For the construction of increment 3 of recruit training barracks infrastructure upgrade at Recruit Training Command, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $16,650,000.

(9) For the construction of increment 3 of wharf upgrades at Yokosuka, Japan, authorized by section 2201(b) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $8,750,000.

(10) For the construction of increment 2 of the Bachelor Enlisted Quarters Homeport Ashore Program at Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $47,240,000.

(11) For the construction of increment 4 of the limited area production and storage complex at Naval Submarine Base Kitsap, Silverdale, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493), $39,750,000.

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 NAVY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of

Public Law 109–364; 120 Stat. 2449) is amended—

(1) in the item relating to Marine Corps Base, Twentynine Palms, California, by striking ''$27,217,000'' in the amount column and inserting ''$8,217,000'';

(2) by striking the item relating to Naval Support Activity, Monterey, California;

(3) by striking the item relating to Naval Submarine Base, New London, Connecticut;

(4) by striking the item relating to Cape Canaveral, Florida;

(5) in the item relating to Marine Corps Logistics Base, Albany, Georgia, by striking ''$70,540,000'' in the amount column and inserting ''$62,000,000'';

(6) by striking the item relating to Naval Magazine, Pearl Harbor, Hawaii;

(7) by striking the item relating to Naval Shipyard, Pearl Harbor, Hawaii;

(8) by striking the item relating to Naval Support Activity, Crane, Indiana;

(9) by striking the item relating to Portsmouth Naval Shipyard, Maine;

(10) by striking the item relating to Naval Air Station, Meridian, Mississippi;

(11) by striking the item relating to Naval Air Station, Fallon, Nevada;

(12) by striking the item relating to Marine Corps Air Station, Cherry Point, North Carolina;

(13) by striking the item relating to Naval Station, Newport, Rhode Island;

(14) in the item relating to Marine Corps Air Station, Beaufort, South Carolina, by striking ''$25,575,000'' in the amount column and inserting ''$22,225,000'';

(15) by striking the item relating to Naval Special Weapons Center, Dahlgren, Virginia;

(16) in the item relating to Naval Support Activity, Norfolk, Virginia, by striking ''$41,712,000'' in the amount column and inserting ''$28,462,000'';

(17) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking ''$67,303,000'' in the amount column and inserting ''$57,653,000''; and

(18) in the item relating to Naval Base, Kitsap, Washington, by striking ''$17,617,000'' in the amount column and inserting ''$13,507,000''.

(b) TERMINATION OF MILITARY FAMILY HOUSING PROJECTS.—Section 2204(a)(6)(A) of such Act (120 Stat. 2450) is amended by striking ''$308,956,000'' and inserting ''$305,256,000''.

(c) CONFORMING AMENDMENTS.—Section 2204(a) of such Act, as amended by subsection (b), is further amended—

(1) in the matter preceding paragraph (1), by striking ''$2,109,367,000'' and inserting ''$1,946,867,000''; and

(2) in paragraph (1), by striking ''$832,982,000'' and inserting ''$674,182,000''.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base.	$83,180,000
Arizona	Davis-Monthan Air Force Base.	$11,200,000
Arkansas	Little Rock Air Force Base.	$9,800,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
California	Travis Air Force Base.	$26,600,000
Colorado	Fort Carson	$13,500,000
	Schriever Air Force Base.	$24,500,000
	United States Air Force Academy.	$15,000,000
District of Columbia.	Bolling Air Force Base.	$2,500,000
Florida	Eglin Air Force Base	$158,300,000
	MacDill Air Force Base.	$57,000,000
	Patrick Air Force Base.	$11,854,000
	Tyndall Air Force Base.	$44,114,000
Georgia	Robins Air Force Base.	$14,700,000
Hawaii	Hickam Air Force Base.	$31,971,000
Illinois	Scott Air Force Base	$24,900,000
Kansas	Fort Riley	$12,515,000
Massachusetts.	Hanscom Air Force Base.	$12,800,000
Montana	Malmstrom Air Force Base.	$7,000,000
Nebraska	Offutt Air Force Base	$16,952,000
New Mexico.	Cannon Air Force Base.	$1,688,000
	Kirtland Air Force Base.	$11,400,000
Nevada	Nellis Air Force Base	$4,950,000
North Dakota.	Grand Forks Air Force Base.	$13,000,000
	Minot Air Force Base	$18,200,000
Oklahoma	Altus Air Force Base	$2,000,000
	Tinker Air Force Base.	$34,600,000
	Vance Air Force Base	$7,700,000
South Carolina.	Charleston Air Force Base.	$11,000,000
South Dakota.	Ellsworth Air Force Base.	$16,600,000
Texas	Lackland Air Force Base.	$14,000,000
Utah	Hill Air Force Base	$25,999,000
Wyoming	Francis E. Warren Air Force Base.	$14,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$48,209,000
Guam	Andersen Air Force Base.	$10,000,000
Qatar	Al Udeid Air Base	$22,300,000
Spain	Moron Air Base	$1,800,000
United Kingdom.	Royal Air Force Lakenheath.	$17,300,000
	Royal Air Force Menwith Hill Station.	$41,000,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified.	Classified Project	$1,500,000

Air Force: Unspecified Worldwide—Continued

Location	Installation or Location	Amount
	Classified-Special Evaluation Program.	$13,940,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, in the number of units, and in the amount set forth in the following table:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Germany	Ramstein Air Base.	117	$56,275,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,210,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $294,262,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,097,357,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $754,123,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $140,609,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $15,440,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $61,103,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $362,747,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $688,335,000.

(7) For the construction of increment 3 of the main base runway at Edwards Air Force Base, California, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $35,000,000.

(8) For the construction of increment 3 of the CENTCOM Joint Intelligence Center at MacDill Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006

(division B of Public Law 109–163; 119 Stat. 3494), as amended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2456), $25,000,000.

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 AIR FORCE PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2453) is amended—

(1) in the item relating to Elmendorf, Alaska, by striking ''$68,100,000'' in the amount column and inserting ''$56,100,000'';

(2) in the item relating to Davis-Monthan Air Force Base, Arizona, by striking ''$11,800,000'' in the amount column and inserting ''$4,600,000'';

(3) by striking the item relating to Little Rock Air Force Base, Arkansas;

(4) in the item relating to Travis Air Force Base, California, by striking ''$85,800,000'' in the amount column and inserting ''$73,900,000'';

(5) by striking the item relating to Peterson Air Force Base, Colorado;

(6) in the item relating to Dover Air Force, Delaware, by striking ''$30,400,000'' in the amount column and inserting ''$26,400,000'';

(7) in the item relating to Eglin Air Force Base, Florida, by striking ''$30,350,000'' in the amount column and inserting ''$19,350,000'';

(8) in the item relating to Tyndall Air Force Base, Florida, by striking ''$8,200,000'' in the amount column and inserting ''$1,800,000'';

(9) in the item relating to Robins Air Force Base, Georgia, by striking ''$59,600,000'' in the amount column and inserting ''$38,600,000'';

(10) in the item relating to Scott Air Force, Illinois, by striking ''$28,200,000'' in the amount column and inserting ''$20,000,000'';

(11) by striking the item relating to McConnell Air Force Base, Kansas;

(12) by striking the item relating to Hanscom Air Force Base, Massachusetts;

(13) by striking the item relating to Whiteman Air Force Base, Missouri;

(14) by striking the item relating to Malmstrom Air Force Base, Montana;

(15) in the item relating to McGuire Air Force Base, New Jersey, by striking ''$28,500,000'' in the amount column and inserting ''$15,500,000'';

(16) by striking the item relating to Kirtland Air Force Base, New Mexico;

(17) by striking the item relating to Minot Air Force Base, North Dakota;

(18) in the item relating to Altus Air Force Base, Oklahoma, by striking ''$9,500,000'' in the amount column and inserting ''$1,500,000'';

(19) by striking the item relating to Tinker Air Force Base, Oklahoma;

(20) by striking the item relating to Charleston Air Force Base, South Carolina;

(21) in the item relating to Shaw Air Force Base, South Carolina, by striking ''$31,500,000'' in the amount column and inserting ''$22,200,000'';

(22) by striking the item relating to Ellsworth Air Force Base, South Dakota;

(23) by striking the item relating to Laughlin Air Force Base, Texas;

(24) by striking the item relating to Sheppard Air Force Base, Texas;

(25) in the item relating to Hill Air Force Base, Utah, by striking ''$63,400,000'' in the amount column and inserting ''$53,400,000''; and

(26) by striking the item relating to Fairchild Air Force Base, Washington.

(b) CONFORMING AMENDMENTS.—Section 2304(a) of such Act (120 Stat. 2455) is amended—

(1) in the matter preceding paragraph (1), by striking ''$3,231,442,000'' and inserting ''$3,005,817,000''; and

(2) in paragraph (1), by striking ''$962,286,000'' and inserting ''$736,661,000''.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), as amended by section 2305(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2456), is further amended in the item relating to MacDill Air Force Base, Florida, by striking ''$101,500,000'' in the amount column and inserting ''$126,500,000''.

(b) CONFORMING AMENDMENT.—Section 2304(b)(4) of the Military Construction Authorization Act for Fiscal Year 2006 (119 Stat. 3496), as amended by section 2305(b) of the Military Construction Authorization Act for Fiscal Year 2007 (120 Stat. 2456), is further amended by striking ''$23,300,000'' and inserting ''$48,300,000''.

SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Davis-Monthan Air Force Base, Arizona.	Family housing (250 units).	$48,500,000
Vandenberg Air Force Base, California.	Family housing (120 units).	$30,906,000
MacDill Air Force Base, Florida.	Family housing (61 units).	$21,723,000
MacDill Air Force Base, Florida.	Housing maintenance facility.	$1,250,000
Columbus Air Force Base, Mississippi.	Housing management facility.	$711,000
Whiteman Air Force Base, Missouri.	Family housing (160 units).	$37,087,000
Seymour Johnson Air Force Base, North Carolina.	Family housing (167 units).	$32,693,000
Goodfellow Air Force Base, Texas.	Family housing (127 units).	$20,604,000
Ramstein Air Base, Germany.	USAFE Theater Aerospace Operations Support Center.	$24,024,000

SEC. 2308. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Travis Air Force Base, California.	Family housing (56 units).	$12,723,000
Eglin Air Force Base, Florida.	Family housing (279 units).	$32,166,000

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
North Carolina.	Marine Corps Base, Camp Lejeune.	$2,014,000

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia.	Bolling Air Force Base	$1,012,000

Defense Logistics Agency

State	Installation or Location	Amount
California ..	Port Loma Annex	$140,000,000
Florida	Naval Air Station, Key West.	$1,874,000
Hawaii	Hickam Air Force Base.	$26,000,000
New Mexico	Kirtland Air Force Base.	$1,800,000
Ohio	Defense Supply Center Columbus.	$4,000,000
Pennsylvania.	Defense Distribution Depot, New Cumberland.	$21,000,000
Virginia	Fort Belvoir	$5,000,000

National Security Agency

State	Installation or Location	Amount
Maryland ..	Fort Meade	$11,901,000

Special Operations Command

State	Installation or Location	Amount
California ..	Marine Corps Base, Camp Pendleton.	$20,030,000
	Naval Amphibious Base, Coronado.	$12,000,000
Florida	Hurlburt Field	$29,111,000
	MacDill Air Force Base.	$47,700,000
Georgia	Fort Benning	$35,000,000
	Hunter Army Air Field	$13,800,000
Kentucky ..	Fort Campbell	$53,500,000
Mississippi	Stennis Space Center	$10,200,000
New Mexico	Cannon Air Force Base	$7,500,000

Special Operations Command—Continued

State	Installation or Location	Amount
North Carolina.	Fort Bragg	$47,250,000
	Marine Corps Base, Camp Lejeune.	$28,210,000
Virginia	Dam Neck	$108,500,000
	Naval Amphibious Base, Little Creek.	$99,000,000
Washington	Fort Lewis	$77,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Florida	MacDill Air Force Base.	$5,000,000
Illinois	Naval Hospital, Great Lakes.	$99,000,000
New York	Fort Drum	$41,000,000
Texas	Camp Bullis	$7,400,000
Virginia	Naval Station, Norfolk	$6,450,000
Washington	Fort Lewis	$21,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Belgium	Sterrebeek	$5,992,000
Germany	Ramstein Air Base	$5,393,000
	Wiesbaden Air Base	$20,472,000

Special Operations Command

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$19,000,000
Qatar	Al Udeid Air Base	$52,852,000

TRICARE Management Activity

Country	Installation or Location	Amount
Germany	Spangdahlem Air Base	$30,100,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	$1,887,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $70,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,944,529,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $969,152,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $133,809,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $1,887,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $23,711,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $154,728,000.

(7) For energy conservation projects authorized by section 2402 of this Act, $70,000,000.

(8) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $48,848,000.

(B) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $500,000.

(9) For the construction of increment 3 of the regional security operations center at Kunia, Hawaii, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7017 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $136,318,000.

(10) For the construction of increment 3 of the regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $100,000,000.

(11) For the construction of increment 2 of the health clinic replacement at MacDill Air Force Base, Florida, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $41,400,000.

(12) For the construction of increment 2 of the replacement of the Army Medical Research Institute of Infectious Diseases at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $150,000,000.

(13) For the construction of increment 9 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $35,159,000.

(14) For the construction of increment 8 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $69,017,000.

SEC. 2404. TERMINATION OR MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 DEFENSE AGENCIES PROJECTS.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.—The table relating to Special Operations Command in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457) is amended—

(1) by striking the item relating to Stennis Space Center, Mississippi; and

(2) in the item relating to Fort Bragg, North Carolina, by striking ''$51,768,000'' in the amount column and inserting ''$44,868,000''.

(b) MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN BASE CLOSURE AND REALIGNMENT ACTIVITIES.—Section 2405(a)(7) of that Act (120 Stat. 2460) is amended by striking ''$191,220,000'' and inserting ''$252,279,000''.

(c) MODIFICATION OF CERTAIN INSIDE THE UNITED STATES PROJECT.—Section 2405(a)(15) of that Act (120 Stat. 2461) is amended by striking ''$99,157,000'' and inserting ''$89,157,000''.

(d) CONFORMING AMENDMENTS.—Section 2405(a) of that Act, as amended by subsections (a) through (c), is further amended—

(1) in the matter preceding paragraph (1), by striking ''$7,163,431,000'' and inserting ''$7,197,390,000''; and

(2) in paragraph (1), by striking ''$533,099,000'' and inserting ''$515,999,000''.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Wide: Extension of 2005 Project Authorizations

Installation or Location	Agency and Project	Amount
Naval Air Station, Oceana, Virginia.	DLA bulk fuel storage tank.	$3,589,000
Naval Air Station, Jacksonville, Florida.	TMA hospital project.	$28,438,000

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $201,400,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Springville	$3,300,000
Arkansas	Camp Robinson	$23,923.000
Arizona	Florence	$10,870,000
California	Sacramento Army Depot.	$21,000,000
	Camp Roberts	$2,850,000
Connecticut.	Niantic	$13,600,000
Florida	Jacksonville	$12,200,000
Idaho	Gowen Field	$7,615,000
	Orchard Training Area	$1,700,000
Illinois	St. Clair County	$8,100,000
Iowa	Iowa City	$13,186,000
Michigan	Camp Grayling	$2,450,000
	Lansing	$4,239,000
Minnesota	Camp Ripley	$4,850,000
Mississippi	Camp Shelby	$4,000,000
Missouri	Whiteman Air Force Base.	$30,000,000
North Dakota.	Camp Grafton	$33,416,000
Oregon	Ontario	$11,000,000
Pennsylvania.	Carlisle	$7,800,000
	East Fallowfield Township.	$8,300,000
	Fort Indiantown Gap	$9,500,000
	Gettysburg	$6,300,000
	Graterford	$7,300,000
	Hanover	$5,500,000
	Hazelton	$5,600,000
	Holidaysburg	$9,400,000
	Huntingdon	$7,500,000
	Kutztown	$6,800,000
	Lebanon	$7,800,000
	Philadelphia	$13,650,000
Rhode Island.	East Greenwich	$8,200,000
	North Kingstown	$33,000,000
Texas	Camp Bowie	$1,500,000
	Fort Wolters	$2,100,000
Utah	North Salt Lake	$12,200,000
Vermont	Ethan Allen Range	$1,996,000
Virginia	Fort Pickett	$26,211,000
	Winchester	$3,113,000
West Virginia.	Camp Dawson	$4,500,000
Wyoming	Camp Guernsey	$2,650,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$7,035,000
	Garden Grove	$25,440,000
Montana	Butte	$7,629,000

Army Reserve—Continued

State	Location	Amount
New Jersey	Fort Dix	$17,000,000
New York	Fort Drum	$15,923,000
Texas	Ellington Field	$15,000,000
	Fort Worth	$15,076,000
Wisconsin	Ellsworth	$9,100,000
	Fort McCoy	$8,523,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Miramar	$5,580,000
Michigan	Selfridge	$4,030,000
Ohio	Wright-Patterson Air Force Base.	$10,277,000
Oregon	Portland	$1,900,000
South Dakota.	Sioux Falls	$3,730,000
Texas	Austin	$6,490,000
	Fort Worth	$22,514,000
Virginia	Quantico	$2,410,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Colorado	Buckley Air National Guard Base.	$7,300,000
Delaware	New Castle	$10,800,000
Georgia	Savannah International Airport.	$9,000,000
Indiana	Hulman Regional Airport.	$7,700,000
Kansas	Smoky Hill Air National Guard Range.	$9,000,000
Louisiana	Camp Beauregard	$1,800,000
Massachusetts.	Otis Air National Guard Base.	$1,800,000
New Hampshire.	Pease Air National Guard Base.	$8,900,000
Nebraska	Lincoln	$8,900,000
Nevada	Reno-Tahoe International Airport.	$5,200,000
New York	Gabreski Airport	$8,400,000
Pennsylvania.	Fort Indiantown Gap	$12,700,000
Rhode Island.	Quonset State Airport	$5,000,000
South Dakota.	Joe Foss Field	$7,900,000
Tennessee	McGhee-Tyson Airport	$3,200,000
	Memphis International Airport.	$11,376,000
Vermont	Burlington	$6,600,000
West Virginia.	Eastern West Virginia Regional Airport-Shepherd Field.	$50,776,000
	Yeager	$17,300,000
Wisconsin	Truax Field	$7,300,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Alaska	Elmendorf Air Force Base.	$14,950,000
Utah	Hill Air Force Base	$3,200,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $458,515,000; and

(B) for the Army Reserve, $134,684,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $59,150,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $216,417,000; and

(B) for the Air Force Reserve, $26,559,000.

SEC. 2607. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 GUARD AND RESERVE PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

Section 2601 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463) is amended—

(1) in paragraph(1)—

(A) in subparagraph (A), by striking ''$561,375,000'' and inserting ''$476,697,000''; and

(B) in subparagraph (B), by striking ''$190,617,000'' and inserting ''$167,987,000'';

(2) in paragraph (2), by striking ''49,998,000'' and inserting ''$43,498,000''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''$294,283,000'' and inserting ''$133,983,000''; and

(B) in subparagraph (B), by striking ''$56,836,000'' and inserting ''$47,436,000''.

SEC. 2608. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2006 AIR FORCE RESERVE CONSTRUCTION AND ACQUISITION PROJECTS.

Section 2601(3)(B) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501) is amended by striking ''$105,883,000'' and inserting ''$102,783,000''.

SEC. 2609. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the tables in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army National Guard: Extension of 2005 Project Authorizations

Installation or Location	Project	Amount
Dublin, California.	Readiness center	$11,318,000

Army National Guard: Extension of 2005 Project Authorizations—Continued

Installation or Location	Project	Amount
Gary, Indiana.	Reserve center	$9,380,000

Army Reserve: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Corpus Christi (Robstown), Texas.	Storage facility	$9,038,000

SEC. 2610. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Albuquerque, New Mexico.	Readiness center	$2,533,000
Fort Indiantown Gap, Pennsylvania.	Multipurpose training range.	$15,338,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $220,689,000, as follows:

(1) For the Department of the Army, $73,716,000.

(2) For the Department of the Air Force, $143,260,000.

(3) For the Defense Agencies, $3,713,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $8,718,988,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $8,174,315,000, as follows:

(1) For the Department of the Army, $4,015,746,000.

(2) For the Department of the Navy, $733,695,000.

(3) For the Department of the Air Force, $1,183,812,000.

(4) For the Defense Agencies, $2,241,062,000.

SEC. 2704. AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.

For military construction projects carried out using amounts appropriated pursuant to the authorization of appropriations in sections 2701 and 2703 of this title and section 2405(a)(8) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2460), section 2853 of title 10, United States Code, shall apply for variations to the cost and scope of work for each military construction project requested to the congressional defense committees as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2007 and 2008 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Effective Date and Expiration of Authorizations

SEC. 2801. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2007; or

(2) the date of the enactment of this Act.

SEC. 2802. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2010; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2010; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2011 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

Subtitle B—Military Construction Program and Military Family Housing Changes

SEC. 2811. GENERAL MILITARY CONSTRUCTION TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon a determination by the Secretary of a military department, or with respect to the Defense Agencies, the Secretary of Defense, that such action is necessary in the national interest, the Secretary concerned may transfer amounts of authorizations made available to that military department or Defense Agency in this division for fiscal year 2008 between any such authorizations for that military department or Defense Agency for that fiscal year. Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) AGGREGATE LIMIT.—The aggregate amount of authorizations that the Secretaries concerned may transfer under the authority of this section may not exceed $200,000,000.

(b) LIMITATION.—The authority provided by this section to transfer authorizations may only be used to fund increases in the cost or scope of military construction projects that have been authorized by law.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary concerned shall promptly notify Congress of each transfer made by that Secretary under subsection (a).

SEC. 2812. MODIFICATIONS OF AUTHORITY TO LEASE MILITARY FAMILY HOUSING.

(a) INCREASED MAXIMUM LEASE AMOUNT APPLICABLE TO CERTAIN DOMESTIC ARMY FAMILY HOUSING LEASES.—Subsection (b) of section 2828 of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (7)'';

(2) in paragraph (5), by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2), (3), and (7)''; and

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

''(7)(A) Not more than 600 housing units may be leased by the Secretary of the Army under subsection (a) for which the expenditure for the rental of such units (including the cost of utilities, maintenance, and operation) exceeds the maximum amount per unit per year in effect under paragraph (2) but does not exceed $18,620 per unit per year, as adjusted from time to time under paragraph (5).

''(B) The maximum lease amount provided in subparagraph (A) shall apply only to Army family housing in areas designated by the Secretary of the Army.

''(C) The term of a lease under subparagraph (A) may not exceed 2 years.''.

(b) INCREASED MAXIMUM LEASE AMOUNT APPLICABLE TO FOREIGN MILITARY FAMILY HOUSING LEASES.—Subsection (e) of such section is amended—

(1) in paragraph (1)—

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

(B) by striking the second sentence; and

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

''(B)(i) Subject to clause (ii), the maximum lease amounts in subparagraph (A) may be waived and increased up to a maximum of $100,000 per unit per year.

''(ii) The Secretary concerned may not exercise the waiver authority under clause (i) until the Secretary has notified the congressional defense committees of such proposed waiver and the reasons therefor and a period of 21 days has elapsed or, if over sooner, 14 days after such notice is provided in an electronic medium pursuant to section 480 of this title.'';

(2) in paragraph (2), by striking ''the Secretary of the Navy may lease not more than 2,800 units of family housing in Italy, and the Secretary of the Army may lease not more than 500 units of family housing in Italy'' and inserting ''the Secretaries of the military departments may lease not more than 3,300 units of family housing in Italy''; and

(3) in paragraph (4), by striking ''$35,000'' and inserting ''$35,050''.

(c) INCREASED THRESHOLD FOR CONGRESSIONAL NOTIFICATION FOR FOREIGN MILITARY FAMILY HOUSING LEASES.—Subsection (f) of such section is amended by striking ''$500,000'' and inserting ''$1,000,000''.

SEC. 2813. INCREASE IN THRESHOLDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) INCREASE.—Section 2805(a)(1) of title 10, United States Code, is amended—

(1) by striking ''$1,500,000'' and inserting ''$2,500,000''; and

(2) by striking ''$3,000,000'' and inserting ''$4,000,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 2814. MODIFICATION AND EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), and section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), is further amended—

(1) in subsection (a), by striking ''2007'' and inserting ''2008''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''(1) The total'' and inserting ''The total''; and

(B) by striking paragraphs (2) and (3).

SEC. 2815. TEMPORARY AUTHORITY TO SUPPORT REVITALIZATION OF DEPARTMENT OF DEFENSE LABORATORIES THROUGH UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) LABORATORY REVITALIZATION.—For the revitalization and recapitalization of laboratories owned by the United States and under the jurisdiction of the Secretary concerned, the Secretary concerned may obligate and expend—

(1) from appropriations available to the Secretary concerned for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than $1,000,000; or

(2) from appropriations available to the Secretary concerned for military construction not otherwise authorized by law, amounts necessary to carry out an unspecified minor military construction project costing not more than $2,500,000.

(b) FISCAL YEAR LIMITATION APPLICABLE TO INDIVIDUAL LABORATORIES.—For purposes of this section, the total amount allowed to be applied in any one fiscal year to projects at any one laboratory shall be limited to the larger of the amounts applicable under subsection (a).

(c) LABORATORY DEFINED.—In this section, the term ''laboratory'' includes—

(1) a research, engineering, and development center;

(2) a test and evaluation activity; and

(3) any buildings, structures, or facilities located at and supporting such center or activity.

(d) SUNSET.—The authority to carry out a project under this section expires on September 30, 2012.

SEC. 2816. TWO-YEAR EXTENSION OF TEMPORARY PROGRAM TO USE MINOR MILITARY CONSTRUCTION AUTHORITY FOR CONSTRUCTION OF CHILD DEVELOPMENT CENTERS.

(a) EXTENSION.—Subsection (e) of section 2810 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3510) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2009''.

(b) REPORT REQUIRED.—Subsection (d) of such section is amended to read as follows:

''(d) REPORTS REQUIRED.—Not later than March 1, 2007, and March 1, 2009, the Secretary of Defense shall submit to the congressional committees reports on the program authorized by this section. Each report shall include a list and description of the construction projects carried out under the program, including the location and cost of each project.''.

SEC. 2817. EXTENSION OF AUTHORITY TO ACCEPT EQUALIZATION PAYMENTS FOR FACILITY EXCHANGES.

Section 2809(c)(5) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2127) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2010''.

Subtitle C—Real Property and Facilities Administration

SEC. 2831. REQUIREMENT TO REPORT TRANSACTIONS RESULTING IN ANNUAL COSTS OF MORE THAN $750,000.

Section 2662(a)(1) of title 10, United States Code, is amended—

(1) by striking ''or his designee'' and inserting ''or the Secretary's designee, or with respect to a Defense Agency, the Secretary of Defense or the Secretary's designee''; and

(2) by adding at the end the following new subparagraph:

''(G) Any transaction or contract action that results in, or includes, the acquisition or use by, or the lease or license to, the United States of real property, if the estimated annual rental or cost for the use of the real property is more than $750,000.''.

SEC. 2832. MODIFICATION OF AUTHORITY TO LEASE NON-EXCESS PROPERTY.

(a) INCREASED USE OF COMPETITIVE PROCEDURES FOR SELECTION OF CERTAIN LESSEES.—Section 2667(h)(1) of title 10, United States Code, is amended by striking ''exceeds one year, and the fair market value of the lease'' and inserting ''exceeds one year, or the fair market value of the lease''.

(b) MODIFICATION OF AUTHORITIES RELATED TO FACILITIES OPERATION SUPPORT.—

(1) ELIMINATION OF AUTHORITY TO ACCEPT FACILITIES OPERATION SUPPORT AS IN-KIND CONSIDERATION.—Section 2667(c)(1) of title 10, United States Code, is amended—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraph (E) as subparagraph (D).

(2) ELIMINATION OF AUTHORITY TO USE RENTAL AND CERTAIN OTHER PROCEEDS FOR FACILITIES OPERATION SUPPORT.—Section 2667(e)(1)(C) of title 10, United States Code, is amended by striking clause (iv).

(c) TECHNICAL AMENDMENTS.—Section 2667(e) of title 10, United States Code, is further amended—

(1) in paragraph (1)(B)(ii), by striking ''paragraph (4), (5), or (6)'' and inserting ''paragraph (3), (4), or (5)''; and

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5).

SEC. 2833. ENHANCED FLEXIBILITY TO CREATE OR EXPAND BUFFER ZONES.

Section 2684a(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

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

''(3) Subject to the availability of appropriations for such purpose, an agreement with an eligible entity under subsection (a)(2) may provide for the management of natural resources and the contribution by the United States towards natural resource management costs on any real property in which a military department has acquired any right title or interest in accordance with paragraph (1)(A) where there is a demonstrated need to preserve or restore habitat for purposes of subsection (a)(2).''; and

(3) in paragraph (4)(C), as redesignated by paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (5), unless the Secretary concerned certifies in writing to the Committees on Armed Services of the Senate and the House of Representatives that the military value to the United States as a result of the acquisition of such property or interest in property justifies the payment of costs in excess of the fair market value of such property or interest. Such certification shall include a detailed description of the military value to be obtained in each such case. The Secretary concerned may not acquire such property or interest until 14 days after the date on which the certification is provided to the Committees or, if earlier, 10 days after the date on which a copy of such certification is provided in an electronic medium pursuant to section 480 of this title''.

SEC. 2834. REPORTS ON ARMY AND MARINE CORPS OPERATIONAL RANGES.

(a) REPORT ON UTILIZATION AND POTENTIAL EXPANSION OF ARMY OPERATIONAL RANGES.—Section 2827(c) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2479) is amended—

(1) in paragraph (1), by striking ''February 1, 2007'' and inserting ''December 31, 2007''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by amending clauses (iv) and (v) to read as follows:

''(iv) the proposal contained in the budget justification materials submitted in support of the Department of Defense budget for fiscal year 2008 to increase the size of the active component of the Army to 547,400 personnel by the end of fiscal year 2012; or

''(v) high operational tempos or surge requirements.''; and

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

''(F) An analysis of the cost of, potential military value of, and potential legal or practical impediments to, the expansion of the Joint Readiness Training Center at Fort Polk, Louisiana, through the acquisition of additional land adjacent to or in the vicinity of the installation that is under the control of the United States Forest Service.

''(G) An analysis of the impact of the proposal described in subparagraph (B)(iv) on

the plan developed prior to such proposal to relocate forces from Germany to the United States and vacate installations in Germany as part of the Integrated Global Presence and Basing Strategy, including a comparative analysis of—

''(i) the projected utilization of the Army's three combat training centers if all of the six light infantry brigades proposed to be added to the active component of the Army would be based in the United States; and

''(ii) the projected utilization of such ranges if at least one of those six brigades would be based in Germany.

''(H) If the analysis required by subparagraph (G) indicates that the Joint Multi-National Readiness Center in Hohenfels, Germany, or the Army's training complex at Grafenwoehr, Germany, would not be fully utilized under the basing scenarios analyzed, an estimate of the cost to replicate the training capability at that center in another location.''.

(b) REPORT ON POTENTIAL EXPANSION OF MARINE CORPS OPERATIONAL RANGES.—

(1) REPORT REQUIRED.—Not later than December 31, 2007, the Secretary of the Navy shall submit to the congressional defense committees a report containing an assessment of the operational ranges used to support training and range activities of the Marine Corps.

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

(A) The size, description, and mission-essential tasks supported by each major Marine Corps operational range during fiscal year 2003.

(B) A description of the projected changes in Marine Corps operational range requirements, including the size, characteristics, and attributes for mission-essential activities at each range and the extent to which any changes in requirements are a result of the proposal contained in the fiscal year 2008 budget request to increase the size of the active component of the Marine Corps to 202,000 personnel by the end of fiscal year 2012.

(C) The projected deficit or surplus of land at each major Marine Corps operational range, and a description of the Secretary's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing Marine Corps operational range.

(D) A description of the Secretary's prioritization process and investment strategy to address the potential expansion or upgrade of Marine Corps operational ranges.

(E) An analysis of alternatives to the expansion of Marine Corps operational ranges, including an assessment of the joint use of operational ranges under the jurisdiction, custody, or control of the Secretary of another military department.

(F) An analysis of the cost of, potential military value of, and potential legal or practical impediments to, the expansion of Marine Corps Base, Twentynine Palms, California, through the acquisition of additional land adjacent to or in the vicinity of that installation that is under the control of the Bureau of Land Management.

(3) DEFINITIONS.—In this subsection:

(A) The term ''Marine Corps operational range'' has the meaning given the term ''operational range'' in section 101(e)(3) of title 10, United States Code, except that the term is limited to operational ranges under the jurisdiction, custody, or control of the Secretary of the Navy that are used by or available to the United States Marine Corps.

(B) The term ''range activities'' has the meaning given that term in section 101(e)(2) of such title.

SEC. 2835. CONSOLIDATION OF REAL PROPERTY PROVISIONS WITHOUT SUBSTANTIVE CHANGE.

(a) CONSOLIDATION.—Section 2663 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) OPTIONS FOR MILITARY CONSTRUCTION PROJECTS.—

''(1) AUTHORITY.—The Secretary of a military department may acquire an option on a parcel of real property before or after its acquisition is authorized by law, if the Secretary considers it suitable and likely to be needed for a military project of the department.

''(2) CONSIDERATION.—As consideration for an option acquired under paragraph (1), the Secretary may pay, from funds available to the department for real property activities, an amount that is not more than 12 percent of the appraised fair market value of the property.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2677 of such title is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2677.

Subtitle D—Base Closure and Realignment

SEC. 2841. NIAGARA AIR RESERVE BASE, NEW YORK, BASING REPORT.

Not later than December 1, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report containing a detailed plan of the current and future aviation assets that the Secretary expects will be based at Niagara Air Reserve Base, New York. The report shall include a description of all of the aviation assets that will be impacted by the series of relocations to be made to or from Niagara Air Reserve Base and the timeline for such relocations.

Subtitle E—Land Conveyances

SEC. 2851. LAND CONVEYANCE, LYNN HAVEN FUEL DEPOT, LYNN HAVEN, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Florida State University (in this section referred to as the ''University'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres located at the Lynn Haven Fuel Depot in Lynn Haven, Florida, as a public benefit conveyance for the purpose of permitting the University to develop the property as a new satellite campus.

(b) CONSIDERATION.—

(1) IN GENERAL.—For the conveyance of the property under subsection (a), the University shall provide the United States with consideration in an amount that is acceptable to the Secretary, whether in the form of cash payment, in-kind consideration, or a combination thereof.

(2) REDUCED TUITION RATES.—The Secretary may accept as in-kind consideration under paragraph (1) reduced tuition rates or scholarships for military personnel at the University.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the University 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 University 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 University.

(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.

(d) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of 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. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) 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.

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsections (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. MODIFICATION TO LAND CONVEYANCE AUTHORITY, FORT BRAGG, NORTH CAROLINA.

(a) REQUIREMENT TO CONVEY TRACT NO. 404–1 PROPERTY WITHOUT CONSIDERATION.—Section 2836 of the Military Construction Authorization Act for Fiscal Year 1998 (111 Stat. 2005) is amended—

(1) in subsection (a)(3), by striking ''at fair market value'' and inserting ''without consideration'';

(2) by amending subsection (b)(2) to read as follows:

''(2) The conveyances under paragraphs (2) and (3) of subsection (a) shall be subject to the condition that the County develop and use the conveyed properties for educational purposes and the construction of public school structures.''; and

(3) by amending subsection (c)(2) to read as follows:

''(2) If the Secretary determines at any time that the real property conveyed under paragraph (2) or paragraph (3) of subsection (a) is not being used in accordance with subsection (b)(2), all right, title, and interest in and to the property conveyed under such paragraph, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.''.

(b) PAYMENT OF COSTS OF CONVEYANCE.—Such section is further amended by inserting at the end the following new subsection:

''(f) PAYMENT OF COSTS OF CONVEYANCE OF TRACT NO. 404–1 PROPERTY.—

''(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)(3), including survey costs, costs related to environmental documentation, and other administrative 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 as reimbursement 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.''.

SEC. 2853. TRANSFER OF ADMINISTRATIVE JURISDICTION, GSA PROPERTY, SPRINGFIELD, VIRGINIA.

(a) TRANSFER AUTHORIZED.—The Administrator of General Services (in this section referred to as ''the Administrator'') may transfer to the administrative jurisdiction of the Secretary of the Army a parcel of real property consisting of approximately 69.5 acres and containing warehouse facilities in Springfield, Virginia, known as the ''GSA Property'' for the purpose of permitting the Secretary to construct facilities on the property to support administrative functions to be located at Fort Belvoir, Virginia.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the property to be transferred by the Administrator, the Secretary of the Army shall—

(A) pay all reasonable costs to move furnishings, equipment, and other material related to the relocation of functions identified by the Administrator;

(B) if deemed necessary by the Administrator, transfer to the administrative jurisdiction of the Administrator a parcel of property in the National Capital Region determined to be suitable to the Administrator;

(C) if deemed necessary by the Administrator, design and construct storage facilities, utilities, security measures, and access to a road infrastructure on the parcel to meet the requirements of the Administrator; and

(D) if deemed necessary by the Administrator, enter into a memorandum of agreement with the Administrator for support services and security at the new facilities constructed pursuant to subsection (a).

(2) FAIR MARKET VALUE LIMITATION.—The consideration provided by the Secretary under paragraph (1) may not exceed the fair market value of the property transferred by the Administrator under subsection (a).

(c) ADMINISTRATION OF TRANSFERRED PROPERTY.—Upon completion of the transfer under subsection (a), the transferred property shall be administered by the Secretary as a part of Fort Belvoir, Virginia.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property or properties to be conveyed under this section shall be determined by surveys satisfactory to the Administrator and the Secretary.

(e) STATUS REPORT.—Not later than November 30, 2007, the Administrator and the Secretary shall jointly submit to the congressional defense committees a report on the status and estimated costs of the transfer under subsection (a).

Subtitle F—Other Matters

SEC. 2861. REPORT ON CONDITION OF SCHOOLS UNDER JURISDICTION OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the conditions of schools under the jurisdiction of the Department of Defense Education Activity.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of each school under the control of the Secretary, including the location, year constructed, grades of attending children, maximum capacity, and current capacity of the school.

(2) A description of the standards and processes used by the Secretary to assess the adequacy of the size of school facilities, the ability of facilities to support school programs, and the current condition of facilities.

(3) A description of the conditions of the facility or facilities at each school, including the level of compliance with the standards described in paragraph (2), any existing or projected facility deficiencies or inadequate conditions at each facility, and whether any of the facilities listed are temporary structures.

(4) An investment strategy planned for each school to correct deficiencies identified in paragraph (3), including a description of each project to correct such deficiencies, cost estimates, and timelines to complete each project.

(5) A description of requirements for new schools to be constructed over the next 10 years as a result of changes to the population of military personnel.

(c) USE OF REPORT AS MASTER PLAN FOR REPAIR, UPGRADE, AND CONSTRUCTION OF SCHOOLS.—The Secretary shall use the report required under subsection (a) as a master plan for the repair, upgrade, and construction of schools in the Department of Defense system that support dependants of members of the Armed Forces and civilian employees of the Department of Defense.

SEC. 2862. REPEAL OF REQUIREMENT FOR STUDY AND REPORT ON IMPACT TO MILITARY READINESS OF PROPOSED LAND MANAGEMENT CHANGES ON PUBLIC LANDS IN UTAH.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is repealed.

SEC. 2863. ADDITIONAL PROJECT IN RHODE ISLAND.

In carrying out section 2866 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2499), the Secretary of the Army, acting through the Chief of Engineers, shall assume responsibility for the annual operation and maintenance of the Woonsocket local protection project authorized by section 10 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 892, chapter 665), including by acquiring any interest of the State of Rhode Island in and to land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the project, as identified by the State, in coordination with the Secretary.

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2901. AUTHORIZED WAR-RELATED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2902(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	116,800,000
Iraq	Camp Adder	80,650,000
	Al Asad	86,100,000
	Camp Anaconda	88,200,000
	Fallujah	880,000
	Camp Marez	880,000
	Mosul	43,000,000
	Q-West	26,000,000
	Camp Ramadi	880,000
	Scania	5,000,000
	Camp Speicher	103,700,00

Army: Outside the United States—Continued

Country	Installation or Location	Amount
	Camp Taqqadum	880,000
	Tikrit	43,000,000
	Camp Victory	34,400,000
	Camp Warrior	880,000
	Various Locations	102,000,000

SEC. 2902. AUTHORIZATION OF WAR-RELATED MILITARY CONSTRUCTION APPROPRIATIONS, ARMY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $752,650,000 as follows:

(1) For military construction projects outside the United States authorized by section 2901(a), $733,250,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $19,400,000.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,539,693,000, to be allocated as follows:

(1) For weapons activities, $6,472,172,000.

(2) For defense nuclear nonproliferation activities, $1,809,646,000.

(3) For naval reactors, $808,219,000.

(4) For the Office of the Administrator for Nuclear Security, $399,656,000.

(5) For the International Atomic Energy Agency Nuclear Fuel Bank, $50,000,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 08–D–801, High pressure fire loop, Pantex Plant, Amarillo, Texas, $7,000,000.

Project 08–D–802, High explosive pressing facility, Pantex Plant, Amarillo, Texas, $25,300,000.

Project 08–D–804, Technical Area 55 reinvestment project, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,000,000.

(2) For facilities and infrastructure recapitalization, the following new plant projects:

Project 08–D–601, Mercury highway, Nevada Test Site, Nevada, $7,800,000.

Project 08–D–602, Potable water system upgrades, Y–12 Plant, Oak Ridge, Tennessee, $22,500,000.

(3) For safeguards and security, the following new plant project:

Project 08–D–701, Nuclear materials safeguards and security upgrade, Los Alamos National Laboratory, Los Alamos, New Mexico, $49,496,000.

(4) For naval reactors, the following new plant projects:

Project 08–D–901, Shipping and receiving and warehouse complex, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $9,000,000.

Project 08–D–190, Project engineering and design, Expended Core Facility M–290 Recovering Discharge Station, Naval Reactors Facility, Idaho Falls, Idaho, $550,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,410,905,000.

(b) AUTHORIZATION FOR NEW PLANT PROJECT.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant project:

Project 08–D–414, Project engineering and design, Plutonium Vitrification Facility, various locations, $15,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for other defense activities in carrying out programs necessary for national security in the amount of $663,074,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $242,046,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated under section 3101(a)(1) for weapons activities for fiscal year 2008, not more than $195,069,000 may be obligated or expended for the Reliable Replacement Warhead program under section 4204a of the Atomic Energy Defense Act (50 U.S.C. 2524a).

(b) PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES.—No funds referred to in subsection (a) may be obligated or expended for activities under the Reliable Replacement Warhead program beyond phase 2A activities.

SEC. 3112. LIMITATION ON AVAILABILITY OF FUNDS FOR FISSILE MATERIALS DISPOSITION PROGRAM.

(a) LIMITATION PENDING REPORT ON USE OF PRIOR FISCAL YEAR FUNDS.—No fiscal year 2008 Fissile Materials Disposition program funds may be obligated or expended for the Fissile Materials Disposition program until the Secretary of Energy, in consultation with the Administrator for Nuclear Security, submits to the congressional defense committees a report setting forth a plan for obligating and expending funds made available for that program in fiscal years before fiscal year 2008 that remain available for obligation or expenditure as of October 1, 2007.

(b) LIMITATION PENDING CERTIFICATION ON USE OF CURRENT FISCAL YEAR FUNDS.—

(1) IN GENERAL.—Within fiscal year 2008 Fissile Materials Disposition program funds, the aggregate amount that may be obligated for the Fissile Materials Disposition program may not exceed such amount as the Secretary, in consultation with the Administrator, certifies to the congressional defense committees will be obligated for that program in fiscal years 2008 and 2009.

(2) AVAILABILITY OF UNUTILIZED FUNDS ABSENT CERTIFICATION.—If the Secretary does not make a certification under paragraph (1), fiscal year 2008 Fissile Materials Disposition program funds shall not be available for the Fissile Materials Disposition program, but shall be available instead for any defense nuclear nonproliferation activities (other than the Fissile Materials Disposition program) for which amounts are authorized to be appropriated by section 3101(a)(2).

(3) AVAILABILITY OF UNUTILIZED FUNDS UNDER CERTIFICATION OF PARTIAL USE.—If the aggregate amount of funds certified under paragraph (1) as to be obligated for the Fissile Materials Disposition program in fiscal years 2008 and 2009 is less than the amount of the fiscal year 2008 Fissile Materials Disposition program funds, an amount within fiscal year 2008 Fissile Materials Disposition program funds that is equal to the difference between the amount of fiscal year 2008 Fissile Materials Disposition program funds and such aggregate amount shall not be available for the Fissile Materials Disposition program, but shall be available instead for any defense nuclear nonproliferation activities (other than the Fissile Materials Disposition program) for which amounts are authorized to be appropriated by section 3101(a)(2).

(c) FISCAL YEAR 2008 FISSILE MATERIALS DISPOSITION PROGRAM FUNDS DEFINED.—In this section, the term ''fiscal year 2008 Fissile Materials Disposition program funds'' means amounts authorized to be appropriated by section 3101(a)(2) and available for the Fissile Materials Disposition program.

SEC. 3113. MODIFICATION OF LIMITATIONS ON AVAILABILITY OF FUNDS FOR WASTE TREATMENT AND IMMOBILIZATION PLANT.

Paragraph (2) of section 3120(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2510) is amended—

(1) by striking ''the Defense Contract Management Agency has recommended for acceptance'' and inserting ''an independent entity has reviewed''; and

(2) by inserting ''and that the system has been certified by the Secretary for use by a construction contractor at the Waste Treatment and Immobilization Plant'' after ''Waste Treatment and Immobilization Plant''.

Subtitle C—Other Matters

SEC. 3121. NUCLEAR TEST READINESS.

(a) REPEAL OF REQUIREMENTS ON READINESS POSTURE.—Section 3113 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1743; 50 U.S.C. 2528a) is repealed.

(b) REPORTS ON NUCLEAR TEST READINESS POSTURES.—

(1) IN GENERAL.—Section 4208 of the Atomic Energy Defense Act (50 U.S.C. 2528) is amended to read as follows:

''SEC. 4208. REPORTS ON NUCLEAR TEST READINESS.

''(a) IN GENERAL.—Not later than March 1, 2009, and every odd-numbered year thereafter, the Secretary of Energy shall submit to the congressional defense committees a report on the nuclear test readiness of the United States.

''(b) ELEMENTS.—Each report under subsection (a) shall include, current as of the date of such report, the following:

''(1) An estimate of the period of time that would be necessary for the Secretary of Energy to conduct an underground test of a nuclear weapon once directed by the President to conduct such a test.

''(2) A description of the level of test readiness that the Secretary of Energy, in consultation with the Secretary of Defense, determines to be appropriate.

''(3) A list and description of the workforce skills and capabilities that are essential to carrying out an underground nuclear test at the Nevada Test Site.

''(4) A list and description of the infrastructure and physical plant that are essential to carrying out an underground nuclear test at the Nevada Test Site.

''(5) An assessment of the readiness status of the skills and capabilities described in paragraph (3) and the infrastructure and physical plant described in paragraph (4).

''(c) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.''.

(2) CLERICAL AMENDMENT.—The item relating to section 4208 in the table of contents for such Act is amended to read as follows:

''Sec. 4208. Reports on nuclear test readiness.''.

SEC. 3122. SENSE OF CONGRESS ON THE NUCLEAR NONPROLIFERATION POLICY OF THE UNITED STATES AND THE RELIABLE REPLACEMENT WARHEAD PROGRAM.

It is the sense of Congress that—

(1) the United States should reaffirm its commitment to Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (in this section referred to as the ''Nuclear Non-Proliferation Treaty'');

(2) the United States should initiate talks with Russia to reduce the number of nonstrategic nuclear weapons and further reduce the number of strategic nuclear weapons in the respective nuclear weapons stockpiles of the United States and Russia in a transparent and verifiable fashion and in a manner consistent with the security of the United States;

(3) the United States and other declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty, together with weapons states that are not parties to the treaty, should work to reduce the total number of nuclear weapons in the respective stockpiles and related delivery systems of such states;

(4) the United States, Russia, and other states should work to negotiate, and then sign and ratify, a treaty setting forth a date for the cessation of the production of fissile material;

(5) the Senate should ratify the Comprehensive Nuclear-Test-Ban Treaty, opened for signature at New York September 10, 1996;

(6) the United States should commit to dismantle as soon as possible all retired warheads or warheads that are planned to be retired from the United States nuclear weapons stockpile;

(7) the United States, along with the other declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty, should participate in transparent discussions regarding their nuclear weapons programs and plans, and how such programs and plans, including plans for any new weapons or warheads, relate to their obligations as nuclear weapons state parties under the Treaty;

(8) the United States and the declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty should work to decrease reliance on, and the importance of, nuclear weapons; and

(9) the United States should formulate any decision on whether to manufacture or deploy a reliable replacement warhead within the broader context of the progress made by the United States toward achieving each of the goals described in paragraphs (1) through (8).

SEC. 3123. REPORT ON STATUS OF ENVIRONMENTAL MANAGEMENT INITIATIVES TO ACCELERATE THE REDUCTION OF ENVIRONMENTAL RISKS AND CHALLENGES POSED BY THE LEGACY OF THE COLD WAR.

(a) IN GENERAL.—On the date described in subsection (d), the Secretary of Energy shall

submit to the congressional defense committees and the Comptroller General of the United States a report on the status of the environmental management initiatives described in subsection (c) undertaken to accelerate the reduction of the environmental risks and challenges that, as a result of the legacy of the Cold War, are faced by the Department of Energy, contractors of the Department, and applicable Federal and State agencies with regulatory jurisdiction.

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

(1) A discussion of the progress made in reducing the environmental risks and challenges described in subsection (a) in each of the following areas:

(A) Acquisition strategy and contract management.

(B) Regulatory agreements.

(C) Interim storage and final disposal of high-level waste, spent nuclear fuel, transuranic waste, and low-level waste.

(D) Closure and transfer of environmental remediation sites.

(E) Achievements in innovation by contractors of the Department with respect to accelerated risk reduction and cleanup.

(F) Consolidation of special nuclear materials and improvements in safeguards and security.

(2) An assessment of the progress made in streamlining risk reduction processes of the environmental management program of the Department.

(3) An assessment of the progress made in improving the responsiveness and effectiveness of the environmental management program of the Department.

(4) Any proposals for legislation that the Secretary considers necessary to carry out the environmental management initiatives described in subsection (c) and the justification for each such proposal.

(5) A list of the mandatory milestones and commitments set forth in each enforceable cleanup agreement or other type of agreement covering or applicable to environmental management and cleanup activities at any site of the Department, the status of the efforts of the Department to meet such milestones and commitments, and if the Secretary determines that the Department will be unable to achieve any such milestone or commitment, a statement setting forth the reasons the Department will be unable to achieve such milestone or commitment.

(6) An estimate of the life cycle cost of the environmental management program, including the following:

(A) A list of the environmental projects being reviewed for potential inclusion in the environmental management program as of October 1, 2007, and an estimated date by which a determination will be made to include or exclude each such project.

(B) A list of environmental projects not being considered for potential inclusion in the environmental management program as of October 1, 2007, but that are likely to be included in the next five years, and an estimated date by which a determination will be made to include or exclude each such project.

(C) A list of projects in the environmental management program as of October 1, 2007, for which an audit of the cost estimate of the project has been completed, and the estimated date by which such an audit will be completed for each such project for which such an audit has not been completed.

(D) The estimated schedule for production of a revised life cycle cost estimate for the environmental management program incorporating the information described in subparagraphs (A), (B), and (C).

(c) INITIATIVES DESCRIBED.—The environmental management initiatives described in this subsection are the initiatives arising out of the report titled ''Top-to-Bottom Review of the Environmental Management Program'' and dated February 4, 2002, with respect to the environmental restoration and waste management activities of the Department in carrying out programs necessary for national security.

(d) DATE OF SUBMITTAL.—The date described in this subsection is the date on which the budget justification materials in support of the Department of Energy budget for fiscal year 2009 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) are submitted to Congress.

(e) REVIEW BY COMPTROLLER GENERAL.—Not later than 180 days after the date described in subsection (d), the Comptroller General shall submit to the congressional defense committees a report containing a review of the report required by subsection (a).

SEC. 3124. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF ENERGY PROTECTIVE FORCE MANAGEMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States 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 management of the protective forces of the Department of Energy.

(b) CONTENTS.—The report shall include the following:

(1) A description of the management and contractual structure for protective forces at each Department of Energy site with Category I nuclear materials.

(2) A statement of the number and category of protective force members at each site described in paragraph (1) and an assessment of whether the protective force at each such site is adequately staffed, trained, and equipped to comply with the requirements of the Design Basis Threat issued by the Department of Energy in November 2005.

(3) A description of the manner in which each site described in paragraph (1) is moving to a tactical response force as required by the policy of the Department of Energy and an assessment of the issues or problems, if any, involved in the moving to a tactical response force at such site.

(4) A description of the extent to which the protective force at each site described in paragraph (1) has been assigned or is responsible for law enforcement or law-enforcement related activities.

(5) An analysis comparing the management, training, pay, benefits, duties, responsibilities, and assignments of the protective force at each site described in paragraph (1) with the management, training, pay, benefits, duties, responsibilities, and assignments of the Federal transportation security force of the Department of Energy.

(6) A statement of options for managing the protective force at sites described in paragraph (1) in a more uniform manner, an analysis of the advantages and disadvantages of each option, and an assessment of the approximate cost of each option when compared with the costs associated with the existing management of the protective force at such sites.

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

SEC. 3125. TECHNICAL AMENDMENTS.

The Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended as follows:

(1) The heading of section 4204a (50 U.S.C. 2524a) is amended to read as follows:

"SEC. 4204A. RELIABLE REPLACEMENT WARHEAD PROGRAM.".

(2) The table of contents for that Act is amended by inserting after the item relating to section 4204 the following new item:

''Sec. 4204A. Reliable Replacement Warhead program.''.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2008, $27,499,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SA 2012. Mr. WEBB (for himself, Mr. HAGEL, Mr. REID, Mr. LEVIN, Mr. DURBIN, Mrs. MURRAY, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. BYRD, Mr. TESTER, Mrs. MCCASKILL, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. HARKIN, Mrs. FEINSTEIN, Mr. BROWN, Mrs. LINCOLN, Mr. PRYOR, Mr. SANDERS, Mrs. BOXER, Ms. KLOBUCHAR, Ms. MIKULSKI, Ms. CANTWELL, Mr. DODD, Mr. AKAKA, Mr. BIDEN, Ms. STABENOW, and Ms. LANDRIEU) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

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

SEC. 1031. MINIMUM PERIODS BETWEEN DEPLOYMENT FOR UNITS AND MEMBERS OF THE ARMED FORCES FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE REGULAR COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) unless the period between the deployment of the unit or member is equal to or longer than the period of such previous deployment.

(2) SENSE OF CONGRESS ON OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be equal to or longer than twice the period of such previous deployment.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(C) Units and members of the regular Navy.

(D) Units and members of the regular Air Force.

(E) Units and members of the regular Coast Guard.

(b) MINIMUM PERIOD FOR UNITS AND MEMBERS OF THE RESERVE COMPONENTS.—

(1) IN GENERAL.—No unit or member of the Armed Forces specified in paragraph (3) may be deployed for Operation Iraqi Freedom or Operation Enduring Freedom (including participation in the NATO International Security Assistance Force (Afghanistan)) if the

unit or member has been deployed at any time within the three years preceding the date of the deployment covered by this subsection.

(2) SENSE OF CONGRESS ON MOBILIZATION AND OPTIMAL MINIMUM PERIOD BETWEEN DEPLOYMENTS.—It is the sense of Congress that—

(A) the units and members of the reserve components of the Armed Forces should not be mobilized continuously for more than one year; and

(B) the optimal minimum period between the previous deployment of a unit or member of the Armed Forces specified in paragraph (3) to Operation Iraqi Freedom or Operation Enduring Freedom and a subsequent deployment of the unit or member to Operation Iraqi Freedom or Operation Enduring Freedom should be five years.

(3) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the Army Reserve.

(B) Units and members of the Army National Guard.

(C) Units and members of the Marine Corps Reserve.

(D) Units and members of the Navy Reserve.

(E) Units and members of the Air Force Reserve.

(F) Units and members of the Air National Guard.

(G) Units and members of the Coast Guard Reserve.

(c) WAIVER BY THE PRESIDENT.—The President may waive the limitation in subsection (a) or (b) with respect to the deployment of a unit or member of the Armed Forces specified in such subsection if the President certifies to Congress that the deployment of the unit or member is necessary to meet an operational emergency posing a threat to vital national security interests of the United States.

(d) WAIVER BY MILIARY CHIEF OF STAFF OR COMMANDANT FOR VOLUNTARY MOBILIZATIONS.—

(1) ARMY.—With respect to the deployment of a member of the Army who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Army (or the designee of the Chief of Staff of the Army).

(2) NAVY.—With respect to the deployment of a member of the Navy who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Naval Operations (or the designee of the Chief of Naval Operations).

(3) MARINE CORPS.—With respect to the deployment of a member of the Marine Corps who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Marine Corps (or the designee of the Commandant of the Marine Corps).

(4) AIR FORCE.—With respect to the deployment of a member of the Air Force who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Chief of Staff of the Air Force (or the designee of the Chief of Staff of the Air Force).

(5) COAST GUARD.—With respect to the deployment of a member of the Coast Guard who has voluntarily requested mobilization, the limitation in subsection (a) or (b) may be waived by the Commandant of the Coast Guard (or the designee of the Commandant of the Coast Guard).

SA 2013. Mr. NELSON of Florida proposed an amendment to amendment SA 2012 proposed by Mr. WEBB (for himself, Mr. HAGEL, Mr. REID, Mr. LEVIN, Mr. DURBIN, Mrs. MURRAY, Mr. SCHUMER, Mrs. CLINTON, Mr. OBAMA, Mr. BYRD, Mr. TESTER, Mrs. MCCASKILL, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. HARKIN, Mrs. FEINSTEIN, Mr. BROWN, Mrs. LINCOLN, Mr. PRYOR, Mr. SANDERS, Mrs. BOXER, Ms. KLOBUCHAR, Ms. MIKULSKI, Ms. CANTWELL, Mr. DODD, Mr. AKAKA, Mr. BIDEN, Ms. STABENOW, and Ms. LANDRIEU) to the amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the amendment add the following:

This section shall take effect one day after the date of this bill's enactment.

SA 2014. Mr. HAGEL (for himself, Mr. HARKIN, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 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. 656. PAYMENT OF DEATH GRATUITY WITH RESPECT TO MEMBERS OF THE ARMED FORCES WITHOUT A SURVIVING SPOUSE WHO ARE SURVIVED BY A MINOR CHILD.

Section 1477 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting '', subject to subsection (d),'' after ''shall be paid'';

(2) by redesignating subsection (d) as subsection (e); and

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

''(d)(1) In the case of a person covered by section 1475 or 1476 of this title who has no surviving spouse, but who has one or more surviving children (as prescribed by subsection (b)) under the age of 18 years who, after the death of the person, will be in the custody of a parent (as prescribed by subsection (c)) or brother or sister (as prescribed by subsection (a)) of the person, the death gratuity shall be paid to such parent, brother, or sister as designated by the person, whether in the full amount payable under section 1478 of this title or in such portion of such amount as the person shall specify.

''(2) If the amount of the death gratuity specified for payment under paragraph (1) is less than the full amount of the death gratuity payable under section 1478 of this title, the balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with paragraphs (2) through (5) of subsection (a).

''(3) An individual designated for the payment of death gratuity under paragraph (1) shall be treated as an eligible survivor for purposes of subsection (e).''.

SA 2015. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 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 107, between lines 16 and 17, insert the following:

''(D) In addition to the members appointed under subparagraphs (B) and (C), eight individuals appointed by the Secretary of Defense, of whom—

''(i) one shall be a commissioned officer of the Army or spouse of a commissioned officer of the Army, and one shall be an enlisted member of the Army or spouse of an enlisted member of the Army, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Army and the other shall be a spouse of a member of the Army;

''(ii) one shall be a commissioned officer of the Navy or spouse of a commissioned officer of the Navy, and one shall be an enlisted member of the Navy or spouse of an enlisted member of the Navy, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Navy and the other shall be a spouse of a member of the Navy;

''(iii) one shall be a commissioned officer of the Marine Corps or spouse of a commissioned officer of the Marine Corps, and one shall be an enlisted member of the Marine Corps or spouse of an enlisted member of the Marine Corps, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Marine Corps and the other shall be a spouse of a member of the Marine Corps; and

''(iv) one shall be a commissioned officer of the Air Force or spouse of a commissioned officer of the Air Force, and one shall be an enlisted member of the Air Force or spouse of an enlisted member of the Air Force, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Air Force and the other shall be a spouse of a member of the Air Force.''.

SA 2016. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 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 IX, add the following:

Subtitle D—Mental Health Personnel and Facilities

SEC. 951. SHORT TITLE.

This subtitle may be cited as the ''Mental Wellness Facilities and Professional Development Act of 2007''.

SEC. 952. EMPLOYMENT BONUSES OF QUALIFIED CIVILIAN MENTAL HEALTH PROFESSIONALS.

(a) EMPLOYMENT BONUSES AUTHORIZED.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1589 the following new section:

''§ 1590. Mental health professional positions: employment bonuses

''(a) BONUS AUTHORIZED.—The Secretary of Defense may pay an employment bonus

under this section to any qualified mental health professional who enters into an agreement to accept employment with the Department of Defense to provide mental health services at a military medical treatment facility specified in such agreement for a period of not less than 12 months.

''(b) QUALIFICATIONS FOR MENTAL HEALTH PROFESSIONALS.—The Secretary shall prescribe in regulations the qualifications of mental health professionals for eligibility for entry into an agreement under this section.

''(c) INSTALLMENT PAYMENT.—The amount of the employment bonus payable to a mental health professional entering into an agreement under this section is $25,000, which amount is payable in four equal installments as follows:

''(1) One quarter is payable upon completion by the mental health professional of three months of service under the agreement.

''(2) One quarter is payable upon completion by the mental health professional of six months of service under the agreement.

''(3) One quarter is payable upon completion by the mental health professional of nine months of service under the agreement.

''(4) One quarter is payable upon completion by the mental health professional of twelve months of service under the agreement.

''(d) REPAYMENT.—(1) A mental health professional entering into an agreement under this section who does not complete the service provided for in the agreement shall repay to the United States an amount equal to the amount of the employment bonus specified in subsection (c) received by the professional under this section.

''(2) The Secretary may waive, whether in whole or in part, the requirement for repayment of an employment bonus under this subsection under such circumstances as the Secretary shall prescribe for purposes of this subsection.

''(3) An obligation to repay the United States under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of service of the person under an agreement under this section.

''(e) SUNSET.—No agreement may be entered into under this section after September 30, 2011.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 1589 the following new item:

''1590. Mental health professional positions: employment bonuses.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2007.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CIVILIAN PERSONNEL FOR VACANT MENTAL HEALTH POSITIONS.—

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for Defense Health Program such sums as may be required to fill during such fiscal year all civilian mental health professional positions at the military medical treatment facilities that are vacant at the commencement of fiscal year 2008 or become vacant during that fiscal year.

(2) SUPPLEMENT NOT SUPPLANT.—The amount authorized to be appropriated by paragraph (1) for fiscal year 2008 for Defense Health Program is in addition to any other amounts authorized to be appropriated by this Act for fiscal year 2008 for that account.

SEC. 953. PILOT PROGRAM ON ADDITIONAL DEPLOYMENT HEALTH CLINICAL CENTERS.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasability and advisability of establishing deployment health clinical centers similar to the Deployment Health Clinical Center at Walter Reed Army Medical Center, District of Columbia, at additional military medical treatment facilities and other appropriate medical facilities and clinics serving members of the Armed Forces.

(b) ESTABLISHMENT OF CENTERS.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall establish at least three, but not more than five, deployment health clinical centers described in subsection (a) at such principal treatment facilities or other facilities or clinics serving members of the Armed Forces as the Secretary shall select for purposes of the pilot program.

(2) LOCATIONS.—Of the facilities or clinics selected under paragraph (1)—

(A) at least one facility or clinic shall be located in a State on the East Coast of the United States;

(B) at least one facility or clinic shall be located in a State on the West Coast of the United States; and

(C) at least one facility or clinic shall be located in a State other than a State described in subparagraph (A) or (B).

(c) SERVICES.—Each deployment health clinical center established for purposes of the pilot program shall provide to members of the Armed Forces—

(1) services similar to the services provided to members of the Armed Forces by the Deployment Health Clinical Center at Walter Reed Army Medical Center; and

(2) such other services as the Secretary shall specify for purposes of the pilot program.

(d) REPORTS.—

(1) PERIODIC REPORTS REQUIRED.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives on a periodic basis a report on the pilot program.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following, current as of the date of such report:

(A) A description of services provided under the pilot program, including—

(i) a statement of the number of members of the Armed Forces provided services under the pilot program;

(ii) a description of the nature and scope of services provided under the pilot program; and

(iii) an assessment of the extent to which the pilot program has increased the access of members of the Armed Forces to such services.

(B) A separate statement of the number of members of the Armed Forces provided services under the pilot program who receive such services at a facility or location within 500 miles of the permanent duty station, homeport, or residence of such members.

(C) An assessment of the satisfaction of members of the Armed Forces receiving services under the pilot program with such services.

(D) Such recommendations as the Secretary considers appropriate for the extension, expansion, or other modification of the pilot program.

(e) SUNSET.—The authority to carry out the pilot program shall expire on September 30, 2011.

SEC. 954. SCHOLARSHIPS FOR CIVILIAN STUDENTS PURSUING PROFESSIONAL DEGREES IN MENTAL HEALTH SERVICES.

(a) SCHOLARSHIPS AUTHORIZED.—The Secretary of Defense may award scholarships to covered individuals who enter into an agreement to serve, upon completion of the program of education for which the scholarship is awarded, as a mental health professional in a military medical treatment facility for not less than one year for each two semesters (or three academic quarters, as applicable) for which such scholarship assistance is awarded.

(b) COVERED INDIVIDUALS.—For purposes of this subsection, a covered individual is any individual not employed by the Department of Defense who—

(1) is pursuing a professional degree in mental health services at an institution of higher education approved by the Secretary for purposes of this section; and

(2) meets such additional qualifications as the Secretary may prescribe for purposes of this section.

(c) SCHOLARSHIP AMOUNT.—The amount of the scholarship awarded a covered individual under this section for a semester or academic quarter may not exceed an amount equal to 50 percent of the tuition of the covered individual for such semester or academic quarter.

(d) REPAYMENT.—

(1) REPAYMENT REQUIRED.—A covered individual entering into an agreement under this section who does not complete the service provided for in the agreement shall repay to the United States an amount equal to the amount of the scholarship paid the individual under this section.

(2) WAIVER.—The Secretary may waive, whether in whole or in part, the requirement for repayment of a scholarship under this subsection under such circumstances as the Secretary shall prescribe for purposes of this subsection.

(3) DEBT TO THE UNITED STATES.—An obligation to repay the United States under this subsection is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11, United States Code, does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of service of the person under an agreement under this section.

(e) SUNSET.—The authority of the Secretary to award scholarships under this section shall expire on the date that is ten years after the date of the enactment of this Act.

SA 2017. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 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. 656. ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.

(a) AGE AND SERVICE REQUIREMENTS.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

''(a)(1) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

''(A) satisfies one of the combinations of requirements for minimum age and minimum number of years of service (computed

under section 12732 of this title) that are specified in the table in paragraph (2);

''(B) performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed 20 years of service computed under section 12732 of this title before October 5, 1994, the number of years of qualifying service under this subparagraph shall be eight; and

''(C) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

''(2) The combinations of minimum age and minimum years of service required of a person under subparagraph (A) of paragraph (1) for entitlement to retired pay as provided in such paragraph are as follows:

''Age, in years, is at least:	The minimum years of service required for that age is:
53	34
54	32
55	30
56	28
57	26
58	24
59	22
60	20.''.

(b) 20-YEAR LETTER.—Subsection (d) of such section is amended by striking ''the years of service required for eligibility for retired pay under this chapter'' in the first sentence and inserting ''20 years of service computed under section 12732 of this title''.

(c) EFFECTIVE DATE.—This section and the amendments made by this subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to retired pay payable for that month and subsequent months.

SA 2018. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 604. GUARANTEED PAY INCREASE FOR MEMBERS OF THE ARMED FORCES OF ONE-HALF OF ONE PERCENTAGE POINT HIGHER THAN EMPLOYMENT COST INDEX.

Section 1009(c)(2) of title 37, United States Code, is amended by striking ''fiscal years 2004, 2005, and 2006'' and inserting ''fiscal years 2009 through 2012''.

SA 2019. Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 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 XVI—WOUNDED WARRIOR MATTERS

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Dignified Treatment of Wounded Warriors Act''.

SEC. 1602. GENERAL DEFINITIONS.

In this title:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and Veterans' Affairs of the Senate; and

(B) the Committees on Armed Services and Veterans' Affairs of the House of Representatives.

(2) The term ''covered member of the Armed Forces'' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list for a serious injury or illness.

(3) The term ''family member'', with respect to a member of the Armed Forces or a veteran, has the meaning given that term in section 411h(b) of title 37, United States Code.

(4) The term ''medical hold or medical holdover status'' means—

(A) the status of a member of the Armed Forces, including a member of the National Guard or Reserve, assigned or attached to a military hospital for medical care; and

(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

(5) The term ''serious injury or illness'', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

(6) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

Subtitle A—Policy on Care, Management, and Transition of Servicemembers With Serious Injuries or Illnesses

SEC. 1611. COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF MEMBERS OF THE ARMED FORCES WITH SERIOUS INJURIES OR ILLNESSES.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent feasible, jointly develop and implement a comprehensive policy on the care and management of members of the Armed Forces who are undergoing medical treatment, recuperation, or therapy, are otherwise in medical hold or medical holdover status, or are otherwise on the temporary disability retired list for a serious injury or illness (hereafter in this section referred to as a ''covered servicemembers'').

(2) SCOPE OF POLICY.—The policy shall cover each of the following:

(A) The care and management of covered servicemembers while in medical hold or medical holdover status or on the temporary disability retired list.

(B) The medical evaluation and disability evaluation of covered servicemembers.

(C) The return of covered servicemembers to active duty when appropriate.

(D) The transition of covered servicemembers from receipt of care and services through the Department of Defense to receipt of care and services through the Department of Veterans Affairs.

(3) CONSULTATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall develop the policy in consultation with the heads of other appropriate departments and agencies of the Federal Government and with appropriate non-governmental organizations having an expertise in matters relating to the policy.

(4) UPDATE.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly update the policy on a periodic basis, but not less often than annually, in order to incorporate in the policy, as appropriate, the results of the reviews under subsections (b) and (c) and the best practices identified through pilot programs under section 1654.

(b) REVIEW OF CURRENT POLICIES AND PROCEDURES.—

(1) REVIEW REQUIRED.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent necessary, jointly and separately conduct a review of all policies and procedures of the Department of Defense and the Department of Veterans Affairs that apply to, or shall be covered by, the policy.

(2) PURPOSE.—The purpose of the review shall be to identify the most effective and patient-oriented approaches to care and management of covered servicemembers for purposes of—

(A) incorporating such approaches into the policy; and

(B) extending such approaches, where applicable, to care and management of other injured or ill members of the Armed Forces and veterans.

(3) ELEMENTS.—In conducting the review, the Secretary of Defense and the Secretary of Veterans Affairs shall—

(A) identify among the policies and procedures described in paragraph (1) best practices in approaches to the care and management described in that paragraph;

(B) identify among such policies and procedures existing and potential shortfalls in such care and management (including care and management of covered servicemembers on the temporary disability retired list), and determine means of addressing any shortfalls so identified;

(C) determine potential modifications of such policies and procedures in order to ensure consistency and uniformity among the military departments and the regions of the Department of Veterans Affairs in their application and discharge; and

(D) develop recommendations for legislative and administrative action necessary to implement the results of the review.

(4) DEADLINE FOR COMPLETION.—The review shall be completed not later than 90 days after the date of the enactment of this Act.

(c) CONSIDERATION OF FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account the following:

(1) The findings and recommendations of applicable studies, reviews, reports, and evaluations that address matters relating to the policy, including, but not limited, to the following:

(A) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center appointed by the Secretary of Defense.

(B) The Secretary of Veterans Affairs Task Force on Returning Global War on Terror Heroes appointed by the President.

(C) The President's Commission on Care for America's Returning Wounded Warriors.

(D) The Veterans' Disability Benefits Commission established by title XV of the National Defense Authorization Act for Fiscal

Year 2004 (Public Law 108–136; 117 Stat. 1676; 38 U.S.C. 1101 note).

(E) The President's Commission on Veterans' Pensions, of 1956, chaired by General Omar N. Bradley.

(F) The Report of the Congressional Commission on Servicemembers and Veterans Transition Assistance, of 1999, chaired by Anthony J. Principi.

(G) The President's Task Force to Improve Health Care Delivery for Our Nation's Veterans, of March 2003.

(2) The experience and best practices of the Department of Defense and the military departments on matters relating to the policy.

(3) The experience and best practices of the Department of Veterans Affairs on matters relating to the policy.

(4) Such other matters as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(d) PARTICULAR ELEMENTS OF POLICY.—The policy required by this section shall provide, in particular, the following:

(1) RESPONSIBILITY FOR COVERED SERVICEMEMBERS IN MEDICAL HOLD OR MEDICAL HOLDOVER STATUS OR ON TEMPORARY DISABILITY RETIRED LIST.—Mechanisms to ensure responsibility for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including the following:

(A) Uniform standards for access of covered servicemembers to non-urgent health care services from the Department of Defense or other providers under the TRICARE program, with such access to be—

(i) for follow-up care, within 2 days of request of care;

(ii) for specialty care, within 3 days of request of care;

(iii) for diagnostic referrals and studies, within 5 days of request; and

(iv) for surgery based on a physician's determination of medical necessity, within 14 days of request.

(B) Requirements for the assignment of adequate numbers of personnel for the purpose of responsibility for and administration of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(C) Requirements for the assignment of adequate numbers of medical personnel and non-medical personnel to roles and responsibilities for caring for and administering covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, and a description of the roles and responsibilities of personnel so assigned.

(D) Guidelines for the location of care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, which guidelines shall address the assignment of such servicemembers to care and residential facilities closest to their duty station or home of record or the location of their designated caregiver at the earliest possible time.

(E) Criteria for work and duty assignments of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including a prohibition on the assignment of duty to a servicemember which is incompatible with the servicemember's medical condition.

(F) Guidelines for the provision of care and counseling for eligible family members of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(G) Requirements for case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including qualifications for personnel providing such case management.

(H) Requirements for uniform quality of care and administration for all covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether members of the regular components of the Armed Forces or members of the reserve components of the Armed Forces.

(I) Standards for the conditions and accessibility of residential facilities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list who are in outpatient status, and for their immediate family members.

(J) Requirements on the provision of transportation and subsistence for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether in inpatient status or outpatient status, to facilitate obtaining needed medical care and services.

(K) Requirements on the provision of educational and vocational training and rehabilitation opportunities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(L) Procedures for tracking and informing covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list about medical evaluation board and physical disability evaluation board processing.

(M) Requirements for integrated case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list during their transition from care and treatment through the Department of Defense to care and treatment through the Department of Veterans Affairs.

(N) Requirements and standards for advising and training, as appropriate, family members with respect to care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list with serious medical conditions, particularly traumatic brain injury (TBI), burns, and post-traumatic stress disorder (PTSD).

(O) Requirements for periodic reassessments of covered servicemembers, and limits on the length of time such servicemembers may be retained in medical hold or medical holdover status or on the temporary disability retired list.

(P) Requirements to inform covered servicemembers and their family members of their rights and responsibilities while in medical hold or medical holdover status or on the temporary disability retired list.

(Q) The requirement to establish a Department of Defense-wide Ombudsman Office within the Office of the Secretary of Defense to provide oversight of the ombudsman offices in the military departments and policy guidance to such offices with respect to providing assistance to, and answering questions from, covered servicemembers and their families.

(2) MEDICAL EVALUATION AND PHYSICAL DISABILITY EVALUATION FOR COVERED SERVICEMEMBERS.—

(A) MEDICAL EVALUATIONS.—Processes, procedures, and standards for medical evaluations of covered servicemembers, including the following:

(i) Processes for medical evaluations of covered servicemembers that are—

(I) applicable uniformly throughout the military departments; and

(II) applicable uniformly with respect to such servicemembers who are members of the regular components of the Armed Forces and such servicemembers who are members of the National Guard and Reserve.

(ii) Standard criteria and definitions for determining the achievement for covered servicemembers of the maximum medical benefit from treatment and rehabilitation.

(iii) Standard timelines for each of the following:

(I) Determinations of fitness for duty of covered servicemembers.

(II) Specialty consultations for covered servicemembers.

(III) Preparation of medical documents for covered servicemembers.

(IV) Appeals by covered servicemembers of medical evaluation determinations, including determinations of fitness for duty.

(iv) Uniform standards for qualifications and training of medical evaluation board personnel, including physicians, case workers, and physical disability evaluation board liaison officers, in conducting medical evaluations of covered servicemembers.

(v) Standards for the maximum number of medical evaluation cases of covered servicemembers that are pending before a medical evaluation board at any one time, and requirements for the establishment of additional medical evaluation boards in the event such number is exceeded.

(vi) Uniform standards for information for covered servicemembers, and their families, on the medical evaluation board process and the rights and responsibilities of such servicemembers under that process, including a standard handbook on such information.

(B) PHYSICAL DISABILITY EVALUATIONS.—Processes, procedures, and standards for physical disability evaluations of covered servicemembers, including the following:

(i) A non-adversarial process of the Department of Defense and the Department of Veterans Affairs for disability determinations of covered servicemembers.

(ii) To the extent feasible, procedures to eliminate unacceptable discrepancies among disability ratings assigned by the military departments and the Department of Veterans Affairs, particularly in the disability evaluation of covered servicemembers, which procedures shall be subject to the following requirements and limitations:

(I) Such procedures shall apply uniformly with respect to covered servicemembers who are members of the regular components of the Armed Forces and covered servicemembers who are members of the National Guard and Reserve.

(II) Under such procedures, each Secretary of a military department shall, to the extent feasible, utilize the standard schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of such schedule by the United States Court of Appeals for Veterans Claims, in making any determination of disability of a covered servicemember.

(iii) Standard timelines for appeals of determinations of disability of covered servicemembers, including timelines for presentation, consideration, and disposition of appeals.

(iv) Uniform standards for qualifications and training of physical disability evaluation board personnel in conducting physical disability evaluations of covered servicemembers.

(v) Standards for the maximum number of physical disability evaluation cases of covered servicemembers that are pending before a physical disability evaluation board at any one time, and requirements for the establishment of additional physical disability evaluation boards in the event such number is exceeded.

(vi) Procedures for the provision of legal counsel to covered servicemembers while undergoing evaluation by a physical disability evaluation board.

(vii) Uniform standards on the roles and responsibilities of case managers, servicemember advocates, and judge advocates assigned to covered servicemembers undergoing evaluation by a physical disability board, and uniform standards on the maximum number of cases involving such servicemembers that are to be assigned to such managers and advocates.

(C) RETURN OF COVERED SERVICEMEMBERS TO ACTIVE DUTY.—Standards for determinations by the military departments on the return of covered servicemembers to active duty in the Armed Forces.

(D) TRANSITION OF COVERED SERVICEMEMBERS FROM DOD TO VA.—Processes, procedures, and standards for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs before, during, and after separation from the Armed Forces, including the following:

(i) A uniform, patient-focused policy to ensure that the transition occurs without gaps in medical care and the quality of medical care, benefits, and services.

(ii) Procedures for the identification and tracking of covered servicemembers during the transition, and for the coordination of care and treatment of such servicemembers during the transition, including a system of cooperative case management of such servicemembers by the Department of Defense and the Department of Veterans Affairs during the transition.

(iii) Procedures for the notification of Department of Veterans Affairs liaison personnel of the commencement by covered servicemembers of the medical evaluation process and the physical disability evaluation process.

(iv) Procedures and timelines for the enrollment of covered servicemembers in applicable enrollment or application systems of the Department of Veterans with respect to health care, disability, education, vocational rehabilitation, or other benefits.

(v) Procedures to ensure the access of covered servicemembers during the transition to vocational, educational, and rehabilitation benefits available through the Department of Veterans Affairs.

(vi) Standards for the optimal location of Department of Defense and Department of Veterans Affairs liaison and case management personnel at military medical treatment facilities, medical centers, and other medical facilities of the Department of Defense.

(vii) Standards and procedures for integrated medical care and management for covered servicemembers during the transition, including procedures for the assignment of medical personnel of the Department of Veterans Affairs to Department of Defense facilities to participate in the needs assessments of such servicemembers before, during, and after their separation from military service.

(viii) Standards for the preparation of detailed plans for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs, which plans shall be based on standardized elements with respect to care and treatment requirements and other applicable requirements.

(E) OTHER MATTERS.—The following additional matters with respect to covered servicemembers:

(i) Access by the Department of Veterans Affairs to the military health records of covered servicemembers who are receiving care and treatment, or are anticipating receipt of care and treatment, in Department of Veterans Affairs health care facilities.

(ii) Requirements for utilizing, in appropriate cases, a single physical examination that meets requirements of both the Department of Defense and the Department of Veterans Affairs for covered servicemembers who are being retired, separated, or released from military service.

(iii) Surveys and other mechanisms to measure patient and family satisfaction with the provision by the Department of Defense and the Department of Veterans Affairs of care and services for covered servicemembers, and to facilitate appropriate oversight by supervisory personnel of the provision of such care and services.

(e) REPORTS.—

(1) REPORT ON POLICY.—Upon the development of the policy required by this section but not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the policy, including a comprehensive and detailed description of the policy and of the manner in which the policy addresses the findings and recommendations of the reviews under subsections (b) and (c).

(2) REPORTS ON UPDATE.—Upon updating the policy under subsection (a)(4), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the update of the policy, including a comprehensive and detailed description of such update and of the reasons for such update.

(f) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every year thereafter, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Secretary of Defense and the Secretary of Veterans Affairs in developing and implementing the policy required by this section.

SEC. 1612. CONSIDERATION OF NEEDS OF WOMEN MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) IN GENERAL.—In developing and implementing the policy required by section 1611, and in otherwise carrying out any other provision of this title or any amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account and fully address any unique specific needs of women members of the Armed Forces and women veterans under such policy or other provision.

(b) REPORTS.—In submitting any report required by this title or an amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent applicable, include a description of the manner in which the matters covered by such report address the unique specific needs of women members of the Armed Forces and women veterans.

Subtitle B—Health Care

PART I—ENHANCED AVAILABILITY OF CARE FOR SERVICEMEMBERS

SEC. 1621. MEDICAL CARE AND OTHER BENEFITS FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

(a) MEDICAL AND DENTAL CARE FOR MEMBERS AND FORMER MEMBERS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act and subject to regulations prescribed by the Secretary of Defense, any covered member of the Armed Forces, and any former member of the Armed Forces, with a severe injury or illness is entitled to medical and dental care in any facility of the uniformed services under section 1074(a) of title 10, United States Code, or through any civilian health care provider authorized by the Secretary to provide health and mental health services to members of the uniformed services, including traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD), as if such member or former member were a member of the uniformed services described in paragraph (2) of such section who is entitled to medical and dental care under such section.

(2) PERIOD OF AUTHORIZED CARE.—(A) Except as provided in subparagraph (B), a member or former member described in paragraph (1) is entitled to care under that paragraph—

(i) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated during the period beginning on October 7, 2001, and ending on the date of the enactment of this Act, during the three-year period beginning on the date of the enactment of this Act, except that no compensation is payable by reason of this subsection for any period before the date of the enactment of this Act; or

(ii) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated on or after the date of the enactment of this Act, during the three-year period beginning on the date on which such injury or illness is so incurred or aggravated.

(B) The period of care authorized for a member or former member under this paragraph may be extended by the Secretary concerned for an additional period of up to two years if the Secretary concerned determines that such extension is necessary to assure the maximum feasible recovery and rehabilitation of the member or former member. Any such determination shall be made on a case-by-case basis.

(3) INTEGRATED CARE MANAGEMENT.—The Secretary of Defense shall provide for a program of integrated care management in the provision of care and services under this subsection, which management shall be provided by appropriate medical and case management personnel of the Department of Defense and the Department of Veterans Affairs (as approved by the Secretary of Veterans Affairs) and with appropriate support from the Department of Defense regional health care support contractors.

(4) WAIVER OF LIMITATIONS TO MAXIMIZE CARE.—The Secretary of Defense may, in providing medical and dental care to a member or former member under this subsection during the period referred to in paragraph (2), waive any limitation otherwise applicable under chapter 55 of title 10, United States Code, to the provision of such care to the member or former member if the Secretary considers the waiver appropriate to assure the maximum feasible recovery and rehabilitation of the member or former member.

(5) CONSTRUCTION WITH ELIGIBILITY FOR VETERANS BENEFITS.—Nothing in this subsection shall be construed to reduce, alter, or otherwise affect the eligibility or entitlement of a member or former member of the Armed Forces to any health care, disability, or other benefits to which the member of former member would otherwise be eligible or entitled as a veteran under the laws administered by the Secretary of Veterans Affairs.

(6) SUNSET.—The Secretary of Defense may not provide medical or dental care to a member or former member of the Armed Forces under this subsection after December 31, 2012, if the Secretary has not provided medical or dental care to the member or former member under this subsection before that date.

(b) REHABILITATION AND VOCATIONAL BENEFITS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act, a member of the Armed Forces with a severe injury or illness

is entitled to such benefits (including rehabilitation and vocational benefits, but not including compensation) from the Secretary of Veterans Affairs to facilitate the recovery and rehabilitation of such member as the Secretary otherwise provides to members of the Armed Forces receiving medical care in medical facilities of the Department of Veterans Affairs facilities in order to facilitate the recovery and rehabilitation of such members.

(2) LIMITATIONS.—The provisions of paragraphs (2) through (6) of subsection (a) shall apply to the provision of benefits under this subsection as if the benefits provided under this subsection were provided under subsection (a).

(3) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for the cost of any benefits provided under this subsection in accordance with applicable mechanisms for the reimbursement of the Secretary of Veterans Affairs for the provision of medical care to members of the Armed Forces.

(c) RECOVERY OF CERTAIN EXPENSES OF MEDICAL CARE AND RELATED TRAVEL.—

(1) IN GENERAL.—Commencing not later than 60 days after the date of the enactment of this Act, the Secretary of the military department concerned may reimburse covered members of the Armed Forces, and former members of the Armed Forces, with a severe injury or illness for covered expenses incurred by such members or former members, or their family members, in connection with the receipt by such members or former members of medical care that is required for such injury or illness.

(2) COVERED EXPENSES.—Expenses for which reimbursement may be made under paragraph (1) include the following:

(A) Expenses for health care services for which coverage would be provided under section 1074(c) of title 10, United States Code, for members of the uniformed services on active duty.

(B) Expenses of travel of a non-medical attendant who accompanies a member or former member of the Armed Forces for required medical care that is not available to such member or former member locally, if such attendant is appointed for that purpose by a competent medical authority (as determined under regulations prescribed by the Secretary of Defense for purposes of this subsection).

(C) Such other expenses for medical care as the Secretary may prescribe for purposes of this subsection.

(3) AMOUNT OF REIMBURSEMENT.—The amount of reimbursement under paragraph (1) for expenses covered by paragraph (2) shall be determined in accordance with regulations prescribed by the Secretary of Defense for purposes of this subsection.

(d) SEVERE INJURY OR ILLNESS DEFINED.—In this section, the term ''severe injury or illness'' means any serious injury or illness that is assigned a disability rating of 30 percent or higher under the schedule for rating disabilities in use by the Department of Defense.

PART II—CARE AND SERVICES FOR DEPENDENTS

SEC. 1626. MEDICAL CARE AND SERVICES AND SUPPORT SERVICES FOR FAMILIES OF MEMBERS OF THE ARMED FORCES RECOVERING FROM SERIOUS INJURIES OR ILLNESSES.

(a) MEDICAL CARE.—

(1) IN GENERAL.—A family member of a covered member of the Armed Forces who is not otherwise eligible for medical care at a military medical treatment facility or at medical facilities of the Department of Veterans Affairs shall be eligible for such care at such facilities, on a space-available basis, if the family member is—

(A) on invitational orders while caring for the covered member of the Armed Forces;

(B) a non-medical attendee caring for the covered member of the Armed Forces; or

(C) receiving per diem payments from the Department of Defense while caring for the covered member of the Armed Forces.

(2) SPECIFICATION OF FAMILY MEMBERS.—Notwithstanding section 1602(3), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe in regulations the family members of covered members of the Armed Forces who shall be considered to be a family member of a covered member of the Armed Forces for purposes of paragraph (1).

(3) SPECIFICATION OF CARE.—(A) The Secretary of Defense shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at military medical treatment facilities.

(B) The Secretary of Veterans Affairs shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at medical facilities of the Department of Veterans Affairs.

(4) RECOVERY OF COSTS.—The United States may recover the costs of the provision of medical care and counseling under paragraph (1) as follows (as applicable):

(A) From third-party payers, in the same manner as the United States may collect costs of the charges of health care provided to covered beneficiaries from third-party payers under section 1095 of title 10, United States Code.

(B) As if such care and counseling was provided under the authority of section 1784 of title 38, United States Code.

(b) JOB PLACEMENT SERVICES.—A family member who is on invitational orders or is a non-medical attendee while caring for a covered member of the Armed Forces for more than 45 days during a one-year period shall be eligible for job placement services otherwise offered by the Department of Defense.

(c) REPORT ON NEED FOR ADDITIONAL SERVICES.—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 setting forth the assessment of the Secretary of the need for additional employment services, and of the need for employment protection, of family members described in subsection (b) who are placed on leave from employment or otherwise displaced from employment while caring for a covered member of the Armed Forces as described in that subsection.

PART III—TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER

SEC. 1631. COMPREHENSIVE PLANS ON PREVENTION, DIAGNOSIS, MITIGATION, AND TREATMENT OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER IN MEMBERS OF THE ARMED FORCES.

(a) PLANS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to the congressional defense committees one or more comprehensive plans for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, and otherwise respond to traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) in members of the Armed Forces.

(b) ELEMENTS.—Each plan submitted under subsection (a) shall include comprehensive proposals of the Department on the following:

(1) The designation by the Secretary of Defense of a lead agent or executive agent for the Department to coordinate development and implementation of the plan.

(2) The improvement of personnel protective equipment for members of the Armed Forces in order to prevent traumatic brain injury.

(3) The improvement of methods and mechanisms for the detection and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces in the field.

(4) The requirements for research on traumatic brain injury and post-traumatic stress disorder, including (in particular) research on pharmacological approaches to treatment for traumatic brain injury or post-traumatic stress disorder, as applicable, and the allocation of priorities among such research.

(5) The development, adoption, and deployment of diagnostic criteria for the detection and evaluation of the range of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, which criteria shall be employed uniformly across the military departments in all applicable circumstances, including provision of clinical care and assessment of future deployability of members of the Armed Forces.

(6) The development and deployment of effective means of assessing traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including a system of pre-deployment and post-deployment screenings of cognitive ability in members for the detection of cognitive impairment, as required by the amendments made by section 222.

(7) The development and deployment of effective means of managing and monitoring members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder in the receipt of care for traumatic brain injury or post-traumatic stress disorder, as applicable, including the monitoring and assessment of treatment and outcomes.

(8) The development and deployment of an education and awareness training initiative designed to reduce the negative stigma associated with traumatic brain injury, post-traumatic stress disorder, and mental health treatment.

(9) The provision of education and outreach to families of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder on a range of matters relating to traumatic brain injury or post-traumatic stress disorder, as applicable, including detection, mitigation, and treatment.

(10) The assessment of the current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(11) The identification of gaps in current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(12) The identification of the resources required for the Department in fiscal years 2009 thru 2013 to address the gaps in capabilities identified under paragraph (11).

(13) The development of joint planning among the Department of Defense, the military departments, and the Department of Veterans Affairs for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including planning for the seamless transition of such members from care through the Department of Defense care through the Department of Veterans Affairs.

(14) A requirement that exposure to a blast or blasts be recorded in the records of members of the Armed Forces.

(15) The development of clinical practice guidelines for the diagnosis and treatment of blast injuries in members of the Armed Forces, including, but not limited to, traumatic brain injury.

(c) COORDINATION IN DEVELOPMENT.—Each plan submitted under subsection (a) shall be developed in coordination with the Secretary of the Army (who was designated by the Secretary of Defense as executive agent for the prevention, mitigation, and treatment of blast injuries under section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3181; 10 U.S.C. 1071 note)).

(d) ADDITIONAL ACTIVITIES.—In carrying out programs and activities for the prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, the Secretary of Defense shall—

(1) examine the results of the recently completed Phase 2 study, funded by the National Institutes of Health, on the use of progesterone for acute traumatic brain injury;

(2) determine if Department of Defense funding for a Phase 3 clinical trial on the use of progesterone for acute traumatic brain injury, or for further research regarding the use of progesterone or its metabolites for treatment of traumatic brain injury, is warranted; and

(3) provide for the collaboration of the Department of Defense, as appropriate, in clinical trials and research on pharmacological approaches to treatment for traumatic brain injury and post-traumatic stress disorder that is conducted by other departments and agencies of the Federal Government.

SEC. 1632. IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) PROTOCOL FOR ASSESSMENT OF COGNITIVE FUNCTIONING.—

(1) PROTOCOL REQUIRED.—Subsection (b) of section 1074f of title 10, United States Code, is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

''(C) An assessment of post-traumatic stress disorder.''; and

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

''(3)(A) The Secretary shall establish for purposes of subparagraphs (B) and (C) of paragraph (2) a protocol for the predeployment assessment and documentation of the cognitive (including memory) functioning of a member who is deployed outside the United States in order to facilitate the assessment of the postdeployment cognitive (including memory) functioning of the member.

''(B) The protocol under subparagraph (A) shall include appropriate mechanisms to permit the differential diagnosis of traumatic brain injury in members returning from deployment in a combat zone.''.

(2) PILOT PROJECTS.—(A) In developing the protocol required by paragraph (3) of section 1074f(b) of title 10, United States Code (as amended by paragraph (1) of this subsection), for purposes of assessments for traumatic brain injury, the Secretary of Defense shall conduct up to three pilot projects to evaluate various mechanisms for use in the protocol for such purposes. One of the mechanisms to be so evaluated shall be a computer-based assessment tool.

(B) Not later than 60 days after the completion of the pilot projects conducted under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the pilot projects. The report shall include—

(i) a description of the pilot projects so conducted;

(ii) an assessment of the results of each such pilot project; and

(iii) a description of any mechanisms evaluated under each such pilot project that will incorporated into the protocol.

(C) Not later than 180 days after completion of the pilot projects conducted under this paragraph, the Secretary shall establish a mechanism for implementing any mechanism evaluated under such a pilot project that is selected for incorporation in the protocol.

(D) There is hereby authorized to be appropriated to the Department of Defense, $3,000,000 for the pilot projects authorized by this paragraph. Of the amount so authorized to be appropriated, not more than $1,000,000 shall be available for any particular pilot project.

(b) QUALITY ASSURANCE.—Subsection (d)(2) of section 1074f of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) The diagnosis and treatment of traumatic brain injury and post-traumatic stress disorder.''.

(c) STANDARDS FOR DEPLOYMENT.—Subsection (f) of such section is amended—

(1) in the subsection heading, by striking ''MENTAL HEALTH''; and

(2) in paragraph (2)(B), by striking ''or'' and inserting '', traumatic brain injury, or''.

SEC. 1633. CENTERS OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) CENTER OF EXCELLENCE ON TRAUMATIC BRAIN INJURY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

''§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury

''(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury (TBI), including mild, moderate, and severe traumatic brain injury, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury'.

''(b) PARTNERSHIPS.—The Secretary shall authorize the Center to enter into such partnerships, agreements, or other arrangements as the Secretary considers appropriate with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

''(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

''(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury.

''(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of traumatic brain injury.

''(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with traumatic brain injury.

''(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of traumatic brain injury.

''(5) To facilitate advancements in the study of the short-term and long-term psychological effects of traumatic brain injury.

''(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to traumatic brain injury.

''(7) To conduct basic science and translational research on traumatic brain injury for the purposes of understanding the etiology of traumatic brain injury and developing preventive interventions and new treatments.

''(8) To develop outreach strategies and treatments for families of members of the armed forces with traumatic brain injury in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from traumatic brain injury.

''(9) To conduct research on the unique mental health needs of women members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

''(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

''(11) To conduct research on the mental health needs of families of members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

''(12) To conduct longitudinal studies (using imaging technology and other proven research methods) on members of the armed forces with traumatic brain injury to identify early signs of Alzheimer's disease, Parkinson's disease, or other manifestations of neurodegeneration in such members, which studies should be conducted in coordination with the studies authorized by section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294) and other studies of the Department of Defense and the Department of Veterans Affairs that address the connection between exposure to combat and the development of Alzheimer's disease, Parkinson's disease, and other neurodegenerative disorders.

''(13) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with traumatic brain injury until their transition to care and treatment from the Department of Veterans Affairs.

''(14) Such other responsibilities as the Secretary shall specify.''.

(b) CENTER OF EXCELLENCE ON POST-TRAUMATIC STRESS DISORDER.—Chapter 55 of such title is further amended by inserting after section 1105a, as added by subsection (a), the following new section:

''§ 1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder

''(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder (PTSD), including mild, moderate, and severe post-traumatic stress disorder, to carry out the responsibilities specified in subsection (c). The center shall be known as

a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder'.

''(b) PARTNERSHIPS.—The Secretary shall authorize the Center to enter into such partnerships, agreements, or other arrangements as the Secretary considers appropriate with the National Center for Post-Traumatic Stress Disorder of the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

''(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

''(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder.

''(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of post-traumatic stress disorder.

''(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with post-traumatic stress disorder.

''(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of post-traumatic stress disorder.

''(5) To facilitate advancements in the study of the short-term and long-term psychological effects of post-traumatic stress disorder.

''(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to post-traumatic stress disorder.

''(7) To conduct basic science and translational research on post-traumatic stress disorder for the purposes of understanding the etiology of post-traumatic stress disorder and developing preventive interventions and new treatments.

''(8) To develop outreach strategies and treatments for families of members of the armed forces with post-traumatic stress disorder in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from post-traumatic stress disorder.

''(9) To conduct research on the unique mental health needs of women members of the armed forces, including victims of sexual assault, with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

''(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

''(11) To conduct research on the mental health needs of families of members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

''(12) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with post-traumatic stress disorder until their transition to care and treatment from the Department of Veterans Affairs.

''(13) Such other responsibilities as the Secretary shall specify.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new items:

''1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury.

''1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder.''.

(d) REPORT ON ESTABLISHMENT.—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 establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code (as added by subsection (a)), and the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code (as added by subsection (b)). The report shall, for each such Center—

(1) describe in detail the activities and proposed activities of such Center; and

(2) assess the progress of such Center in discharging the responsibilities of such Center.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program, $10,000,000, of which—

(1) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code; and

(2) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code.

SEC. 1634. REVIEW OF MENTAL HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) COMPREHENSIVE REVIEW.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive review of—

(1) the need for mental health treatment and services for female members of the Armed Forces and veterans; and

(2) the efficacy and adequacy of existing mental health treatment programs and services for female members of the Armed Forces and veterans.

(b) ELEMENTS.—The review required by subsection (a) shall include, but not be limited to, an assessment of the following:

(1) The need for mental health outreach, prevention, and treatment services specifically for female members of the Armed Forces and veterans.

(2) The access to and efficacy of existing mental health outreach, prevention, and treatment services and programs (including substance abuse programs) for female veterans who served in a combat zone.

(3) The access to and efficacy of services and treatment for female members of the Armed Forces and veterans who experience post-traumatic stress disorder (PTSD).

(4) The availability of services and treatment for female members of the Armed Forces and veterans who experienced sexual assault or abuse.

(5) The access to and need for treatment facilities focusing on the mental health care needs of female members of the Armed Forces and veterans.

(6) The need for further clinical research on the unique needs of female veterans who served in a combat zone.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the review required by subsection (a).

(d) POLICY REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a comprehensive policy to address the treatment and care needs of female members of the Armed Forces and veterans who experience mental health problems and conditions, including post-traumatic stress disorder. The policy shall take into account and reflect the results of the review required by subsection (a).

SEC. 1635. FUNDING FOR IMPROVED DIAGNOSIS, TREATMENT, AND REHABILITATION OF MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY OR POST-TRAUMATIC STRESS DISORDER.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program in the amount of $50,000,000, with such amount to be available for activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by paragraph (1), $17,000,000 shall be available for the Defense and Veterans Brain Injury Center of the Department of Defense.

(b) SUPPLEMENT NOT SUPPLANT.—The amount authorized to be appropriated by subsection (a) for Defense Health Program is in addition to any other amounts authorized to be appropriated by this Act for Defense Health Program.

SEC. 1636. REPORTS.

(a) REPORTS ON IMPLEMENTATION OF CERTAIN REQUIREMENTS.—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 describing the progress in implementing the requirements as follows:

(1) The requirements of section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294), relating to a longitudinal study on traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The requirements arising from the amendments made by section 738 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2303), relating to enhanced mental health screening and services for members of the Armed Forces.

(3) The requirements of section 741 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2304), relating to pilot projects on early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions.

(b) ANNUAL REPORTS ON EXPENDITURES FOR ACTIVITIES ON TBI AND PTSD.—

(1) REPORTS REQUIRED.—Not later than March 1, 2008, and each year thereafter through 2013, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the amounts expended by the Department of Defense during the preceding calendar year on activities described in paragraph (2), including the amount allocated during such calendar year to the Defense and Veterans Brain Injury Center of the Department.

(2) COVERED ACTIVITIES.—The activities described in this paragraph are activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(3) ELEMENTS.—Each report under paragraph (1) shall include—

(A) a description of the amounts expended as described in that paragraph, including a description of the activities for which expended;

(B) a description and assessment of the outcome of such activities;

(C) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of traumatic brain injury in members of the Armed Forces during the year in which such report is submitted and in future calendar years;

(D) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of post-traumatic stress disorder in members of the Armed Forces during the year in which such report is submitted and in future calendar years; and

(E) an assessment of the progress made toward achieving the priorities stated in subparagraphs (C) and (D) in the report under paragraph (1) in the previous year, and a description of any actions planned during the year in which such report is submitted to achieve any unfulfilled priorities during such year.

PART IV—OTHER MATTERS

SEC. 1641. JOINT ELECTRONIC HEALTH RECORD FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly—

(1) develop and implement a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs; and

(2) accelerate the exchange of health care information between the Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(b) DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE FOR A JOINT ELECTRONIC HEALTH RECORD.—

(1) IN GENERAL.—There is hereby established a joint element of the Department of Defense and the Department of Veterans Affairs to be known as the ''Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record'' (in this section referred to as the ''Office'').

(2) PURPOSES.—The purposes of the Office shall be as follows:

(A) To act as a single point of accountability for the Department of Defense and the Department of Veterans Affairs in the rapid development, test, and implementation of a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs.

(B) To accelerate the exchange of health care information between Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(c) LEADERSHIP.—

(1) DIRECTOR.—The Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the head of the Office.

(2) DEPUTY DIRECTOR.—The Deputy Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the deputy head of the office and shall assist the Director in carrying out the duties of the Director.

(3) APPOINTMENTS.—(A) The Director shall be appointed by the Secretary of Defense, with the concurrence of the Secretary of Veterans Affairs, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(B) The Deputy Director shall be appointed by the Secretary of Veterans Affairs, with the concurrence of the Secretary of Defense, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(4) ADDITIONAL GUIDANCE.—In addition to the direction, supervision, and control provided by the Secretary of Defense and the Secretary of Veterans Affairs, the Office shall also receive guidance from the Department of Veterans Affairs-Department of Defense Joint Executive Committee under section 320 of title 38, United States Code, in the discharge of the functions of the Office under this section.

(5) TESTIMONY.—Upon request by any of the appropriate committees of Congress, the Director and the Deputy Director shall testify before such committee regarding the discharge of the functions of the Office under this section.

(d) FUNCTION.—The function of the Office shall be to develop and prepare for deployment, by not later than September 30, 2010, a joint electronic health record to be utilized by both the Department of Defense and the Department of Veterans Affairs in the provision of medical care and treatment to members of the Armed Forces and veterans, which health record shall comply with applicable interoperability standards, implementation specifications, and certification criteria (including for the reporting of quality measures) of the Federal Government.

(e) SCHEDULES AND BENCHMARKS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a schedule and benchmarks for the discharge by the Office of its function under this section, including each of the following:

(1) A schedule for the establishment of the Office.

(2) A schedule and deadline for the establishment of the requirements for the joint electronic health record described in subsection (d), including coordination with the Office of the National Coordinator for Health Information Technology in the development of a nationwide interoperable health information technology infrastructure.

(3) A schedule and associated deadlines for any acquisition and testing required in the development and deployment of the joint electronic health record.

(4) A schedule and associated deadlines and requirements for the deployment of the joint electronic health record.

(5) Proposed funding for the Office for each of fiscal years 2009 through 2013 for the discharge of its function.

(f) PILOT PROJECTS.—

(1) AUTHORITY.—In order to assist the Office in the discharge of its function under this section, the Secretary of Defense and the Secretary of Veterans Affairs may, acting jointly, carry out one or more pilot projects to assess the feasability and advisability of various technological approaches to the achievement of the joint electronic health record described in subsection (d).

(2) TREATMENT AS SINGLE HEALTH CARE SYSTEM.—For purposes of each pilot project carried out under this subsection, the health care system of the Department of Defense and the health care system of the Department of Veterans Affairs shall be treated as a single health care system for purposes of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(g) STAFF AND OTHER RESOURCES.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall assign to the Office such personnel and other resources of the Department of Defense and the Department of Veterans Affairs as are required for the discharge of its function under this section.

(2) ADDITIONAL SERVICES.—Subject to the approval of the Secretary of Defense and the Secretary of Veterans Affairs, the Director may utilize the services of private individuals and entities as consultants to the Office in the discharge of its function under this section. Amounts available to the Office shall be available for payment for such services.

(h) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than January 1, 2009, and each year thereafter through 2014, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report on the activities of the Office during the preceding calendar year. Each report shall include, for the year covered by such report, the following:

(A) A detailed description of the activities of the Office, including a detailed description of the amounts expended and the purposes for which expended.

(B) An assessment of the progress made by the Department of Defense and the Department of Veterans Affairs in the development and implementation of the joint electronic health record described in subsection (d).

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall make available to the public each report submitted under paragraph (1), including by posting such report on the Internet website of the Department of Defense and the Department of Veterans Affairs, respectively, that is available to the public.

(i) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every six months thereafter until the completion of the implementation of the joint electronic health record described in subsection (d), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Department of Defense and the Department of Veterans Affairs in developing and implementing the joint electronic health record.

(j) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall each contribute equally to the costs of the Office in fiscal year 2008 and fiscal years thereafter. The amount so contributed by each Secretary in fiscal year 2008 shall be up to $10,000,000.

(2) SOURCE OF FUNDS.—(A) Amounts contributed by the Secretary of Defense under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Defense for the Defense Health Program and available for program management and technology resources.

(B) Amounts contributed by the Secretary of Veterans Affairs under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Veterans Affairs for Medical Care and available for program management and technology resources.

(k) JOINT ELECTRONIC HEALTH RECORD DEFINED.—In this section, the term ''joint electronic health record'' means a single system that includes patient information across the continuum of medical care, including inpatient care, outpatient care, pharmacy care, patient safety, and rehabilitative care.

SEC. 1642. ENHANCED PERSONNEL AUTHORITIES FOR THE DEPARTMENT OF DEFENSE FOR HEALTH CARE PROFESSIONALS FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1599c of title 10, United States Code, is amended to read as follows:

''§ 1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces

''(a) IN GENERAL.—The Secretary of Defense may, in the discretion of the Secretary, exercise any authority for the appointment and pay of health care personnel under chapter 74 of title 38 for purposes of the recruitment, employment, and retention of civilian health care professionals for the Department of Defense if the Secretary determines that the exercise of such authority is necessary in order to provide or enhance the capacity of the Department to provide care and treatment for members of the armed forces who are wounded or injured on active duty in the armed forces and to support the ongoing patient care and medical readiness, education, and training requirements of the Department of Defense.

''(b) RECRUITMENT OF PERSONNEL.—(1) The Secretaries of the military departments shall each develop and implement a strategy to disseminate among appropriate personnel of the military departments authorities and best practices for the recruitment of medical and health professionals, including the authorities under subsection (a).

''(2) Each strategy under paragraph (1) shall—

''(A) assess current recruitment policies, procedures, and practices of the military department concerned to assure that such strategy facilitates the implementation of efficiencies which reduce the time required to fill vacant positions for medical and health professionals; and

''(B) clearly identify processes and actions that will be used to inform and educate military and civilian personnel responsible for the recruitment of medical and health professionals.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599c and inserting the following new item:

''1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces.''.

(c) REPORTS ON STRATEGIES ON RECRUITMENT OF MEDICAL AND HEALTH PROFESSIONALS.—Not later than six months after the date of the enactment of this Act, each Secretary of a military department shall submit to the congressional defense committees a report setting forth the strategy developed by such Secretary under section 1599c(b) of title 10, United States Code, as added by subsection (a).

SEC. 1643. PERSONNEL SHORTAGES IN THE MENTAL HEALTH WORKFORCE OF THE DEPARTMENT OF DEFENSE, INCLUDING PERSONNEL IN THE MENTAL HEALTH WORKFORCE.

(a) RECOMMENDATIONS ON MEANS OF ADDRESSING SHORTAGES.—

(1) REPORT.—Not later than 45 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 the House of Representatives a report setting forth the recommendations of the Secretary for such legislative or administrative actions as the Secretary considers appropriate to address shortages in health care professionals within the Department of Defense, including personnel in the mental health workforce.

(2) ELEMENTS.—The report required by paragraph (1) shall address the following:

(A) Enhancements or improvements of financial incentives for health care professionals, including personnel in the mental health workforce, of the Department of Defense in order to enhance the recruitment and retention of such personnel, including recruitment, accession, or retention bonuses and scholarship, tuition, and other financial assistance.

(B) Modifications of service obligations of health care professionals, including personnel in the mental health workforce.

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

(b) RECRUITMENT.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall implement programs to recruit qualified individuals in health care fields (including mental health) to serve in the Armed Forces as health care and mental health personnel of the Armed Forces.

Subtitle C—Disability Matters

PART I—DISABILITY EVALUATIONS

SEC. 1651. UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Clause (i) of section 1201(b)(3)(B) of title 10, United States Code, is amended to read as follows:

''(i) the member has six months or more of active military service and the disability was not noted at the time of the member's entrance on active duty (unless compelling evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty);''.

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended by striking ''and the member has at least eight years of service computed under section 1208 of this title'' and inserting '', the member has six months or more of active military service, and the disability was not noted at the time of the member's entrance on active duty (unless evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty)''.

SEC. 1652. REQUIREMENTS AND LIMITATIONS ON DEPARTMENT OF DEFENSE DETERMINATIONS OF DISABILITY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1216 the following new section:

''§ 1216a. Determinations of disability: requirements and limitations on determinations

''(a) UTILIZATION OF VA SCHEDULE FOR RATING DISABILITIES IN DETERMINATIONS OF DISABILITY.—(1) In making a determination of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned—

''(A) shall, to the extent feasible, utilize the schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of the schedule by the United States Court of Appeals for Veterans Claims; and

''(B) except as provided in paragraph (2), may not deviate from the schedule or any such interpretation of the schedule.

''(2) In making a determination described in paragraph (1), the Secretary concerned may utilize in lieu of the schedule described in that paragraph such criteria as the Secretary of Defense and the Secretary of Veterans Affairs may jointly prescribe for purposes of this subsection if the utilization of such criteria will result in a determination of a greater percentage of disability than would be otherwise determined through the utilization of the schedule.

''(b) CONSIDERATION OF ALL MEDICAL CONDITIONS.—In making a determination of the rating of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned shall take into account all medical conditions, whether individually or collectively, that render the member unfit to perform the duties of the member's office, grade, rank, or rating.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1216 the following new item:

''1216a. Determinations of disability: requirements and limitations on determinations.''.

SEC. 1653. REVIEW OF SEPARATION OF MEMBERS OF THE ARMED FORCES SEPARATED FROM SERVICE WITH A DISABILITY RATING OF 20 PERCENT DISABLED OR LESS.

(a) BOARD REQUIRED.—

(1) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1554 adding the following new section:

''§ 1554a. Review of separation with disability rating of 20 percent disabled or less

''(a) IN GENERAL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense a board of review to review the disability determinations of covered individuals by Physical Evaluation Boards. The board shall be known as the 'Physical Disability Board of Review'.

''(2) The Board shall consist of not less than three members appointed by the Secretary.

''(b) COVERED INDIVIDUALS.—For purposes of this section, covered individuals are members and former members of the armed forces who, during the period beginning on September 11, 2001, and ending on December 31, 2009—

''(1) are separated from the armed forces due to unfitness for duty due to a medical condition with a disability rating of 20 percent disabled or less; and

''(2) are found to be not eligible for retirement.

''(c) REVIEW.—(1) Upon its own motion, or upon the request of a covered individual, or a surviving spouse, next of kin, or legal representative of a covered individual, the Board shall review the findings and decisions of the Physical Evaluation Board with respect to such covered individual.

''(2) The review by the Board under paragraph (1) shall be based on the records of the armed force concerned and such other evidence as may be presented to the Board. A witness may present evidence to the Board by affidavit or by any other means considered acceptable by the Secretary of Defense.

''(d) AUTHORIZED RECOMMENDATIONS.—The Board may, as a result of its findings under a review under subsection (c), recommend to the Secretary concerned the following (as applicable) with respect to a covered individual:

''(1) No recharacterization of the separation of such individual or modification of the disability rating previously assigned such individual.

''(2) The recharacterization of the separation of such individual to retirement for disability.

''(3) The modification of the disability rating previously assigned such individual by the Physical Evaluation Board concerned, which modified disability rating may not be a reduction of the disability rating previously assigned such individual by that Physical Evaluation Board.

''(4) The issuance of a new disability rating for such individual.

''(e) CORRECTION OF MILITARY RECORDS.—(1) The Secretary concerned may correct the military records of a covered individual in accordance with a recommendation made by the Board under subsection (d). Any such correction may be made effective as of the effective date of the action taken on the report of the Physical Evaluation Board to which such recommendation relates.

''(2) In the case of a member previously separated pursuant to the findings and decision of a Physical Evaluation Board together with a lump-sum or other payment of back pay and allowances at separation, the amount of pay or other monetary benefits to which such member would be entitled based on the member's military record as corrected shall be reduced to take into account receipt of such lump-sum or other payment in such manner as the Secretary of Defense considers appropriate.

''(3) If the Board makes a recommendation not to correct the military records of a covered individual, the action taken on the report of the Physical Evaluation Board to which such recommendation relates shall be treated as final as of the date of such action.

''(f) REGULATIONS.—(1) This section shall be carried out in accordance with regulations prescribed by the Secretary of Defense.

''(2) The regulations under paragraph (1) shall specify reasonable deadlines for the performance of reviews required by this section.

''(3) The regulations under paragraph (1) shall specify the effect of a determination or pending determination of a Physical Evaluation Board on considerations by boards for correction of military records under section 1552 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of such title is amended by inserting after the item relating to section 1554 the following new item:

''1554a. Review of separation with disability rating of 20 percent disabled or less.''.

(b) IMPLEMENTATION.—The Secretary of Defense shall establish the board of review required by section 1554a of title 10, United States Code (as added by subsection (a)), and prescribe the regulations required by such section, not later than 90 days after the date of the enactment of this Act.

SEC. 1654. PILOT PROGRAMS ON REVISED AND IMPROVED DISABILITY EVALUATION SYSTEM FOR MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, carry out pilot programs with respect to the disability evaluation system of the Department of Defense for the purpose set forth in subsection (d).

(2) REQUIRED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense shall carry out the pilot programs described in paragraphs (1) through (3) of subsection (c). Each such pilot program shall be implemented not later than 90 days after the date of the enactment of this Act.

(3) AUTHORIZED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense may carry out such other pilot programs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(b) DISABILITY EVALUATION SYSTEM OF THE DEPARTMENT OF DEFENSE.—For purposes of this section, the disability evaluation system of the Department of Defense is the system of the Department for the evaluation of the disabilities of members of the Armed Forces who are being separated or retired from the Armed Forces for disability under chapter 61 of title 10, United States Code.

(c) SCOPE OF PILOT PROGRAMS.—

(1) DISABILITY DETERMINATIONS BY DOD UTILIZING VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), for purposes of making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, upon a determination by the Secretary of the military department concerned that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) the Secretary of Veterans Affairs shall—

(i) conduct an evaluation of the member for physical disability; and

(ii) assign the member a rating of disability in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) the Secretary of the military department concerned shall make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A)(ii).

(2) DISABILITY DETERMINATIONS UTILIZING JOINT DOD/VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), in making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, the Secretary of the military department concerned shall, upon determining that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) provide for the joint evaluation of the member for disability by the Secretary of the military department concerned and the Secretary of Veterans Affairs, including the assignment of a rating of disability for the member in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A).

(3) ELECTRONIC CLEARING HOUSE.—Under one of the pilot programs, the Secretary of Defense shall establish and operate a single Internet website for the disability evaluation system of the Department of Defense that enables participating members of the Armed Forces to fully utilize such system through the Internet, with such Internet website to include the following:

(A) The availability of any forms required for the utilization of the disability evaluation system by members of the Armed Forces under the system.

(B) Secure mechanisms for the submission of such forms by members of the Armed Forces under the system, and for the tracking of the acceptance and review of any forms so submitted.

(C) Secure mechanisms for advising members of the Armed Forces under the system of any additional information, forms, or other items that are required for the acceptance and review of any forms so submitted.

(D) The continuous availability of assistance to members of the Armed Forces under the system (including assistance through the caseworkers assigned to such members of the Armed Forces) in submitting and tracking such forms, including assistance in obtaining information, forms, or other items described by subparagraph (C).

(E) Secure mechanisms to request and receive personnel files or other personnel records of members of the Armed Forces under the system that are required for submission under the disability evaluation system, including the capability to track requests for such files or records and to determine the status of such requests and of responses to such requests.

(4) OTHER PILOT PROGRAMS.—Under any pilot program carried out by the Secretary of Defense under subsection (a)(3), the Secretary shall provide for the development, evaluation, and identification of such practices and procedures under the disability evaluation system of the Department of Defense as the Secretary considers appropriate for purpose set forth in subsection (d).

(d) PURPOSE.—The purpose of each pilot program under subsection (a) shall be—

(1) to provide for the development, evaluation, and identification of revised and improved practices and procedures under the disability evaluation system of the Department of Defense in order to—

(A) reduce the processing time under the disability evaluation system of members of the Armed Forces who are likely to be retired or separated for disability, and who have not requested continuation on active duty, including, in particular, members who are severely wounded;

(B) identify and implement or seek the modification of statutory or administrative policies and requirements applicable to the disability evaluation system that—

(i) are unnecessary or contrary to applicable best practices of civilian employers and civilian healthcare systems; or

(ii) otherwise result in hardship, arbitrary, or inconsistent outcomes for members of the

Armed Forces, or unwarranted inefficiencies and delays;

(C) eliminate material variations in policies, interpretations, and overall performance standards among the military departments under the disability evaluation system; and

(D) determine whether it enhances the capability of the Department of Veterans Affairs to receive and determine claims from members of the Armed Forces for compensation, pension, hospitalization, or other veterans benefits; and

(2) in conjunction with the findings and recommendations of applicable Presidential and Department of Defense study groups, to provide for the eventual development of revised and improved practices and procedures for the disability evaluation system in order to achieve the objectives set forth in paragraph (1).

(e) UTILIZATION OF RESULTS IN UPDATES OF COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF COVERED SERVICEMEMBERS.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly incorporate responses to any findings and recommendations arising under the pilot programs required by subsection (a) in updating the comprehensive policy on the care and management of covered servicemembers under section 1611.

(f) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out a pilot program under subsection (a)—

(A) the rules and regulations of the Department of Defense and the Department of Veterans Affairs relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces shall apply to the pilot program only to the extent provided in the report on the pilot program under subsection (h)(1); and

(B) the Secretary of Defense and the Secretary of Veterans Affairs may waive any provision of title 10, 37, or 38, United States Code, relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces if the Secretaries determine in writing that the application of such provision would be inconsistent with the purpose of the pilot program.

(2) LIMITATION.—Nothing in paragraph (1) shall be construed to authorize the waiver of any provision of section 1216a of title 10, United States Code, as added by section 1652 of this Act.

(g) DURATION.—Each pilot program under subsection (a) shall be completed not later than one year after the date of the commencement of such pilot program under that subsection.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the pilot programs under subsection (a). The report shall include—

(A) a description of the scope and objectives of each pilot program;

(B) a description of the methodology to be used under such pilot program to ensure rapid identification under such pilot program of revised or improved practices under the disability evaluation system of the Department of Defense in order to achieve the objectives set forth in subsection (d)(1); and

(C) a statement of any provision described in subsection (f)(1)(B) that shall not apply to the pilot program by reason of a waiver under that subsection.

(2) INTERIM REPORT.—Not later than 150 days after the date of the submittal of the report required by paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report describing the current status of such pilot program.

(3) FINAL REPORT.—Not later than 90 days after the completion of all the pilot programs described in paragraphs (1) through (3) of subsection (c), the Secretary shall submit to the appropriate committees of Congress a report setting forth a final evaluation and assessment of such pilot programs. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such pilot programs.

SEC. 1655. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IN THE ARMY PHYSICAL DISABILITY EVALUATION SYSTEM.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of corrective measures by the Department of Defense with respect to the Physical Disability Evaluation System (PDES) in response to the following:

(1) The report of the Inspector General of the Army on that system of March 6, 2007.

(2) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(3) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The total number of cases, and the number of cases involving combat disabled servicemembers, pending resolution before the Medical and Physical Disability Evaluation Boards of the Army, including information on the number of members of the Army who have been in a medical hold or holdover status for more than each of 100, 200, and 300 days.

(2) The status of the implementation of modifications to disability evaluation processes of the Department of Defense in response to the following:

(A) The report of the Inspector General on such processes dated March 6, 2007.

(B) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(C) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

PART II—OTHER DISABILITY MATTERS

SEC. 1661. ENHANCEMENT OF DISABILITY SEVERANCE PAY FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1212 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''his years of service, but not more than 12, computed under section 1208 of this title'' in the matter preceding subparagraph (A) and inserting ''the member's years of service computed under section 1208 of this title (subject to the minimum and maximum years of service provided for in subsection (c))'';

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

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

''(c)(1) The minimum years of service of a member for purposes of subsection (a)(1) shall be as follows:

''(A) Six years in the case of a member separated from the armed forces for a disability incurred in line of duty in a combat zone (as designated by the Secretary of Defense for purposes of this subsection) or incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.

''(B) Three years in the case of any other member.

''(2) The maximum years of service of a member for purposes of subsection (a)(1) shall be 19 years.''.

(b) NO DEDUCTION FROM COMPENSATION OF SEVERANCE PAY FOR DISABILITIES INCURRED IN COMBAT ZONES.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is further amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraphs:

''(2) No deduction may be made under paragraph (1) in the case of disability severance pay received by a member for a disability incurred in line of duty in a combat zone or incurred during performance of duty in combat-related operations as designated by the Secretary of Defense.

''(3) No deduction may be made under paragraph (1) from any death compensation to which a member's dependents become entitled after the member's death.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to members of the Armed Forces separated from the Armed Forces under chapter 61 of title 10, United States Code, on or after that date.

SEC. 1662. ELECTRONIC TRANSFER FROM THE DEPARTMENT OF DEFENSE TO THE DEPARTMENT OF VETERANS AFFAIRS OF DOCUMENTS SUPPORTING ELIGIBILITY FOR BENEFITS.

The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and implement a mechanism to provide for the electronic transfer from the Department of Defense to the Department of Veterans Affairs of any Department of Defense documents (including Department of Defense form DD–214) necessary to establish or support the eligibility of a member of the Armed Forces for benefits under the laws administered by the Secretary of Veterans Affairs at the time of the retirement, separation, or release of the member from the Armed Forces.

SEC. 1663. ASSESSMENTS OF TEMPORARY DISABILITY RETIRED LIST.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Comptroller General of the United States shall each submit to the congressional defense committees a report assessing the continuing utility of the temporary disability retired list in satisfying the purposes for which the temporary disability retired list was established. Each report shall include such recommendations for the modification or improvement of the temporary disability retired list as the Secretary or the Comptroller General, as applicable, considers appropriate in light of the assessment in such report.

Subtitle D—Improvement of Facilities Housing Patients

SEC. 1671. STANDARDS FOR MILITARY MEDICAL TREATMENT FACILITIES, SPECIALTY MEDICAL CARE FACILITIES, AND MILITARY QUARTERS HOUSING PATIENTS.

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of Defense shall establish for the

military facilities referred to in subsection (b) standards with respect to the matters set forth in subsection (c). The standards shall, to the maximum extent practicable—

(1) be uniform and consistent across such facilities; and

(2) be uniform and consistent across the Department of Defense and the military departments.

(b) COVERED MILITARY FACILITIES.—The military facilities referred to in this subsection are the military facilities of the Department of Defense and the military departments as follows:

(1) Military medical treatment facilities.

(2) Specialty medical care facilities.

(3) Military quarters or leased housing for patients.

(c) SCOPE OF STANDARDS.—The standards required by subsection (a) shall include the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals that may require medical supervision, as applicable, in the United States.

(2) To the extent not inconsistent with the standards described in paragraph (1), minimally acceptable conditions for the following:

(A) Appearance and maintenance of facilities generally, including the structure and roofs of facilities.

(B) Size, appearance, and maintenance of rooms housing or utilized by patients, including furniture and amenities in such rooms.

(C) Operation and maintenance of primary and back-up facility utility systems and other systems required for patient care, including electrical systems, plumbing systems, heating, ventilation, and air conditioning systems, communications systems, fire protection systems, energy management systems, and other systems required for patient care.

(D) Compliance with Federal Government standards for hospital facilities and operations.

(E) Compliance of facilities, rooms, and grounds, to the maximum extent practicable, with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(F) Such other matters relating to the appearance, size, operation, and maintenance of facilities and rooms as the Secretary considers appropriate.

(d) COMPLIANCE WITH STANDARDS.—

(1) DEADLINE.—In establishing standards under subsection (a), the Secretary shall specify a deadline for compliance with such standards by each facility referred to in subsection (b). The deadline shall be at the earliest date practicable after the date of the enactment of this Act, and shall, to the maximum extent practicable, be uniform across the facilities referred to in subsection (b).

(2) INVESTMENT.—In carrying out this section, the Secretary shall also establish guidelines for investment to be utilized by the Department of Defense and the military departments in determining the allocation of financial resources to facilities referred to in subsection (b) in order to meet the deadline specified under paragraph (1).

(e) REPORT.—

(1) IN GENERAL.—Not later than December 30, 2007, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out this section.

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

(A) The standards established under subsection (a).

(B) An assessment of the appearance, condition, and maintenance of each facility referred to in subsection (a), including—

(i) an assessment of the compliance of such facility with the standards established under subsection (a); and

(ii) a description of any deficiency or noncompliance in each facility with the standards.

(C) A description of the investment to be allocated to address each deficiency or noncompliance identified under subparagraph (B)(ii).

SEC. 1672. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IDENTIFIED AT WALTER REED ARMY MEDICAL CENTER.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the action plan of the Army to correct deficiencies identified in the condition of facilities, and in the administration of outpatients in medical hold or medical holdover status, at Walter Reed Army Medical Center (WRAMC) and at other applicable Army installations at which covered members of the Armed Forces are assigned.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The number of inpatients at Walter Reed Army Medical Center, and the number of outpatients on medical hold or in a medical holdover status at Walter Reed Army Medical Center, as a result of serious injuries or illnesses.

(2) A description of the lodging facilities and other forms of housing at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, including—

(A) an assessment of the conditions of such facilities and housing; and

(B) a description of any plans to correct inadequacies in such conditions.

(3) The status, estimated completion date, and estimated cost of any proposed or ongoing actions to correct any inadequacies in conditions as described under paragraph (2).

(4) The number of case managers, platoon sergeants, patient advocates, and physical evaluation board liaison officers stationed at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, and the ratio of case workers and platoon sergeants to outpatients for whom they are responsible at each such facility.

(5) The number of telephone calls received during the preceding 60 days on the Wounded Soldier and Family hotline (as established on March 19, 2007), a summary of the complaints or communications received through such calls, and a description of the actions taken in response to such calls.

(6) A summary of the activities, findings, and recommendations of the Army tiger team of medical and installation professionals who visited the major medical treatment facilities and community-based health care organizations of the Army pursuant to March 2007 orders, and a description of the status of corrective actions being taken with to address deficiencies noted by that team.

(7) The status of the ombudsman programs at Walter Reed Army Medical Center and at other major Army installations to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

SEC. 1673. CONSTRUCTION OF FACILITIES REQUIRED FOR THE CLOSURE OF WALTER REED ARMY MEDICAL CENTER, DISTRICT OF COLUMBIA.

(a) ASSESSMENT OF ACCELERATION OF CONSTRUCTION OF FACILITIES.—The Secretary of Defense shall carry out an assessment of the feasibility (including the cost-effectiveness) of accelerating the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center, District of Columbia, as required as a result of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; U.S.C. 2687 note).

(b) DEVELOPMENT AND IMPLEMENTATION OF PLAN FOR CONSTRUCTION OF FACILITIES.—

(1) IN GENERAL.—The Secretary shall develop and carry out a plan for the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center as required as described in subsection (a). If the Secretary determines as a result of the assessment under subsection (a) that accelerating the construction and completion of such facilities is feasible, the plan shall provide for the accelerated construction and completion of such facilities in a manner consistent with that determination.

(2) SUBMITTAL OF PLAN.—The Secretary shall submit to the congressional defense committees the plan required by paragraph (1) not later than September 30, 2007.

(c) CERTIFICATIONS.—Not later than September 30, 2007, the Secretary shall submit to the congressional defense committees a certification of each of the following:

(1) That a transition plan has been developed, and resources have been committed, to ensure that patient care services, medical operations, and facilities are sustained at the highest possible level at Walter Reed Army Medical Center until facilities to replace Walter Reed Army Medical Center are staffed and ready to assume at least the same level of care previously provided at Walter Reed Army Medical Center.

(2) That the closure of Walter Reed Army Medical Center will not result in a net loss of capacity in the major military medical centers in the National Capitol Region in terms of total bed capacity or staffed bed capacity.

(3) That the capacity and types of medical hold and out-patient lodging facilities currently operating at Walter Reed Army Medical Center will be available at the facilities to replace Walter Reed Army Medical Center by the date of the closure of Walter Reed Army Medical Center.

(4) That adequate funds have been provided to complete fully all facilities identified in the Base Realignment and Closure Business Plan for Walter Reed Army Medical Center submitted to the congressional defense committees as part of the budget justification materials submitted to Congress together with the budget of the President for fiscal year 2008 as contemplated in that business plan.

(d) ENVIRONMENTAL LAWS.—Nothing in this section shall require the Secretary or any designated representative to waive or ignore responsibilities and actions required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the regulations implementing such Act.

Subtitle E—Outreach and Related Information on Benefits

SEC. 1681. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security, develop and maintain in handbook and electronic form 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 member's separation or retirement from the Armed Forces as a result of a serious injury or illness. The handbook shall set forth the range of such compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and such other factors affecting such compensation and benefits as the Secretary of Defense considers appropriate.

(b) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a), including the handbook and electronic form of the description, on a periodic basis, but not less often than annually.

(c) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the descriptive handbook under subsection (a) to each member of the Armed Forces described in that subsection as soon as practicable following the injury or illness qualifying the member for coverage under that subsection.

(d) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the descriptive handbook to be provided under subsection (a), 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).

Subtitle F—Other Matters

SEC. 1691. STUDY ON PHYSICAL AND MENTAL HEALTH AND OTHER READJUSTMENT NEEDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WHO DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND THEIR FAMILIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, enter into an agreement with the National Academy of Sciences for a study on the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(b) PHASES.—The study required under subsection (a) shall consist of two phases:

(1) A preliminary phase, to be completed not later than 180 days after the date of the enactment of this Act—

(A) to identify preliminary findings on the physical and mental health and other readjustment needs described in subsection (a) and on gaps in care for the members, former members, and families described in that subsection; and

(B) to determine the parameters of the second phase of the study under paragraph (2).

(2) A second phase, to be completed not later than three years after the date of the enactment of this Act, to carry out a comprehensive assessment, in accordance with the parameters identified under the preliminary report required by paragraph (1), of the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment, including, at a minimum—

(A) an assessment of the psychological, social, and economic impacts of such deployment on such members and former members and their families;

(B) an assessment of the particular impacts of multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom on such members and former members and their families;

(C) an assessment of the full scope of the neurological, psychiatric, and psychological effects of traumatic brain injury (TBI) on members and former members of the Armed Forces, including the effects of such effects on the family members of such members and former members, and an assessment of the efficacy of current treatment approaches for traumatic brain injury in the United States and the efficacy of screenings and treatment approaches for traumatic brain injury within the Department of Defense and the Department of Veterans Affairs;

(D) an assessment of the effects of undiagnosed injuries such as post-traumatic stress disorder (PTSD) and traumatic brain injury, an estimate of the long-term costs associated with such injuries, and an assessment of the efficacy of screenings and treatment approaches for post-traumatic stress disorder and other mental health conditions within the Department of Defense and Department of Veterans Affairs;

(E) an assessment of the particular needs and concerns of female members of the Armed Forces and female veterans;

(F) an assessment of the particular needs and concerns of children of members of the Armed Forces, taking into account differing age groups, impacts on development and education, and the mental and emotional well being of children;

(G) an assessment of the particular needs and concerns of minority members of the Armed Forces and minority veterans;

(H) an assessment of the particular educational and vocational needs of such members and former members and their families, and an assessment of the efficacy of existing educational and vocational programs to address such needs;

(I) an assessment of the impacts on communities with high populations of military families, including military housing communities and townships with deployed members of the National Guard and Reserve, of deployments associated with Operation Iraqi Freedom and Operation Enduring Freedom, and an assessment of the efficacy of programs that address community outreach and education concerning military deployments of community residents;

(J) an assessment of the impacts of increasing numbers of older and married members of the Armed Forces on readjustment requirements;

(K) the development, based on such assessments, of recommendations for programs, treatments, or policy remedies targeted at preventing, minimizing or addressing the impacts, gaps and needs identified; and

(L) the development, based on such assessments, of recommendations for additional research on such needs.

(c) POPULATIONS TO BE STUDIED.—The study required under subsection (a) shall consider the readjustment needs of each population of individuals as follows:

(1) Members of the regular components of the Armed Forces who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) Members of the National Guard and Reserve who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Veterans of Operation Iraqi Freedom or Operation Enduring Freedom.

(4) Family members of the members and veterans described in paragraphs (1) through (3).

(d) ACCESS TO INFORMATION.—The National Academy of Sciences shall have access to such personnel, information, records, and systems of the Department of Defense and the Department of Veterans Affairs as the National Academy of Sciences requires in order to carry out the study required under subsection (a).

(e) PRIVACY OF INFORMATION.—The National Academy of Sciences shall maintain any personally identifiable information accessed by the Academy in carrying out the study required under subsection (a) in accordance with all applicable laws, protections, and best practices regarding the privacy of such information, and may not permit access to such information by any persons or entities not engaged in work under the study.

(f) REPORTS BY NATIONAL ACADEMY OF SCIENCES.—Upon the completion of each phase of the study required under subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the Secretary of Veterans Affairs a report on such phase of the study.

(g) DOD AND VA RESPONSE TO NAS REPORTS.—

(1) PRELIMINARY RESPONSE.—Not later than 45 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a preliminary joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The preliminary plan shall provide preliminary proposals on the matters set forth in paragraph (3).

(2) FINAL RESPONSE.—Not later than 90 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a final joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The final plan shall provide final proposals on the matters set forth in paragraph (3).

(3) COVERED MATTERS.—The matters set forth in this paragraph with respect to a phase of the study required under subsection (a) are as follows:

(A) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address gaps in care or services as identified by the National Academy of Sciences under such phase of the study.

(B) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address recommendations made by the National Academy of Sciences under such phase of the study.

(C) An estimate of the costs of implementing the modifications set forth under subparagraphs (A) and (B), set forth by fiscal year for at least the first five fiscal years beginning after the date of the plan concerned.

(4) REPORTS ON RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth each joint plan developed under paragraphs (1) and (2).

(5) PUBLIC AVAILABILITY OF RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall each make available to the public each report submitted to Congress under paragraph (4), including by posting an electronic copy of such report on the Internet website of the Department of Defense or the Department of Veterans Affairs, as applicable, that is available to the public.

(6) GAO AUDIT.—Not later than 45 days after the submittal to Congress of the report under paragraph (4) on the final joint Department of Defense-Department of Veterans Affairs plan under paragraph (2), the Comptroller General of the United States shall submit to Congress a report assessing the contents of such report under paragraph (4). The report of the Comptroller General under this paragraph shall include—

(A) an assessment of the adequacy and sufficiency of the final joint Department of Defense-Department of Veterans Affairs plan in addressing the findings and recommendations of the National Academy of Sciences as a result of the study required under subsection (a);

(B) an assessment of the feasibility and advisability of the modifications of policy and practice proposed in the final joint Department of Defense-Department of Veterans Affairs plan;

(C) an assessment of the sufficiency and accuracy of the cost estimates in the final joint Department of Defense-Department of Veterans Affairs plan; and

(D) the comments, if any, of the National Academy of Sciences on the final joint Department of Defense-Department of Veterans Affairs plan.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense such sums as may be necessary to carry out this section.

SA 2020. Mr. COLEMAN (for himself, Mr. DEMINT, Mr. THUNE, Mr. INHOFE, Mr. MCCONNELL, Mr. CORNYN, Mr. ALLARD, Mr. CRAIG, Mr. LUGAR, Mr. ROBERTS, Mr. GRAHAM, Mrs. HUTCHISON, Mr. COCHRAN, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FAIRNESS DOCTRINE PROHIBITED.

(a) SHORT TITLE.—This section may be cited as the ''Broadcaster Freedom Act of 2007''.

(b) FAIRNESS DOCTRINE PROHIBITED.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

''SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

''Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters present opposing viewpoints on controversial issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in General Fairness Doctrine Obligations of Broadcast Licensees, 50 Fed. Reg. 35418 (1985).''.

SA 2021. Mr. SPECTER (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 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:

Subtitle F—Presidential Signing Statements

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the ''Presidential Signing Statements Act of 2007''.

SEC. 1072. FINDINGS.

Congress finds the following:

(1) While the executive branch has a role in enacting legislation, it is clear that this is a limited role. Article I, section 7 of the Constitution provides that when a bill is presented to the President, he may either sign it or veto it with his objections, and his veto is subject to a congressional override by two-thirds majorities in the House of Representatives and Senate.

(2) As the President signs a bill into law, the President sometimes issues a statement elaborating on his views of a bill.

(3) This practice began in the early 1800s, and such statements have been issued by Presidents including James Monroe, Andrew Jackson, John Tyler, Franklin Delano Roosevelt, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, George H.W. Bush, Bill Clinton, and George W. Bush.

(4) Much more recently, some courts have begun using presidential signing statements as a source of authority in the interpretation of Acts of Congress.

(5) This judicial use of presidential signing statements is inappropriate, because it in effect gives these statements the force of law. As the Supreme Court itself has explained, Article I, section 7, of the Constitution provides a ''single, finely wrought and exhaustively considered, procedure'' for the making of Federal law. I.N.S. v. Chadha, 462 U.S. 919, 951 (1983). Presidential signing statements are not passed by both Houses of Congress pursuant to Article I, section 7, so they are not the supreme law of the land. It is inappropriate, therefore, for courts to rely on presidential signing statements as a source of authority in the interpretation of Acts of Congress.

(6) The Supreme Court's reliance on presidential signing statements has been sporadic and unpredictable. In some cases, such as Bowsher v. Synar, 478 U.S. 714, 719 n.1 (1986), the Supreme Court has relied on presidential signing statements as a source of authority, while in other cases, such as the recent military tribunals case, Hamdan v. Rumsfeld, 126 S.Ct. 2749 (2006), it has conspicuously declined to do so. This inconsistency has the unfortunate effect of rendering the interpretation of Federal law unpredictable.

(7) As the Hamdan case demonstrates, the Justices of the Supreme Court appear to disagree with one another on the propriety of reliance on presidential signing statements in the interpretation of Federal law. The Supreme Court, with its nine competing perspectives and its jurisdictional restriction to cases and controversies, may remain unable to resolve this difference of opinion and establish a clear rule abjuring such reliance.

(8) Congress has the power to resolve judicial disputes such as this by enacting rules of statutory interpretation. This power flows from Article I, section 8, clause 18, which gives Congress the power ''To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof''. Rules of statutory interpretation are necessary and proper to bring into execution the legislative power.

(9) Congress can and should exercise this power over the interpretation of Federal statutes in a systematic and comprehensive manner.

(10) Congress hereby exercises this power to forbid judicial reliance on presidential signing statements as a source of authority in the interpretation of Acts of Congress.

SEC. 1073. DEFINITION.

As used in this subtitle, the term ''presidential signing statement'' means a statement issued by the President about a bill, in conjunction with signing that bill into law pursuant to Article I, section 7, of the Constitution.

SEC. 1074. JUDICIAL USE OF PRESIDENTIAL SIGNING STATEMENTS.

In determining the meaning of any Act of Congress, no Federal or State court shall rely on or defer to a presidential signing statement as a source of authority.

SEC. 1075. CONGRESSIONAL RIGHT TO PARTICIPATE IN COURT PROCEEDINGS OR SUBMIT CLARIFYING RESOLUTION.

(a) CONGRESSIONAL RIGHT TO PARTICIPATE AS AMICUS CURIAE.—In any action, suit, or proceeding in any Federal or State court (including the Supreme Court of the United States), regarding the construction or constitutionality, or both, of any Act of Congress in which a presidential signing statement was issued, the Federal or State Court shall permit the United States Senate, through the Office of Senate Legal Counsel, as authorized in section 701 of the Ethics in Government Act of 1978 (2 U.S.C. 288), or the United States House of Representatives, through the Office of General Counsel for the United States House of Representatives, or both, to participate as an amicus curiae, and to present an oral argument on the question of the Act's construction or constitutionality, or both. Nothing in this section shall be construed to confer standing on any party seeking to bring, or jurisdiction on any court with respect to, any civil or criminal action, including suit for court costs, against Congress, either House of Congress, a Member of Congress, a committee or subcommittee of a House of Congress, any office or agency of Congress, or any officer or employee of a House of Congress or any office or agency of Congress.

(b) CONGRESSIONAL RIGHT TO SUBMIT CLARIFYING RESOLUTION.—In any suit referenced in subsection (a), the full Congress may pass a concurrent resolution declaring its view of the proper interpretation of the Act of Congress at issue, clarifying Congress's intent or clarifying Congress's findings of fact, or both. If Congress does pass such a concurrent resolution, the Federal or State court shall permit the United States Congress, through the Office of Senate Legal Counsel, to submit that resolution into the record of the case as a matter of right.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of each Federal or State court, including the Supreme Court of the United States, to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

SA 2022. Mr. SPECTER (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 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. 1070. RESTORATION OF HABEAS CORPUS FOR THOSE DETAINED BY THE UNITED STATES.

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

(b) TITLE 10.—Section 950j of title 10, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) LIMITED REVIEW OF MILITARY COMMISSION PROCEDURES AND ACTIONS.—Except as otherwise provided in this chapter or in section 2241 of title 28 or any other habeas corpus provision, and notwithstanding any other provision of law, no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause of action whatsoever, including any action pending on or filed after the date of the enactment of the Military Commissions Act of 2006, relating to the prosecution, trial, or judgment of a military commission under this chapter, including challenges to the lawfulness of procedures of military commissions under this chapter.''.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to any case that is pending on or after the date of enactment of this Act.

SA 2023. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 143. SENSE OF CONGRESS ON THE PROCUREMENT PROGRAM FOR THE KC–X TANKER AIRCRAFT.

It is the sense of Congress—

(1) to congratulate the Air Force for conducting a full and open competition for the procurement program for the KC-X tanker aircraft;

(2) the Air Force should have the ability to choose the best possible joint aerial refueling capability at the most reasonable price;

(3) to discourage actions that would limit the ability of either of the teams seeking the contract for the procurement of KC-X tanker aircraft from competing in the competition referred to in paragraph (1).

SA 2024. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 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. 1218. POLICY OF THE UNITED STATES ON PROTECTION OF THE UNITED STATES AND ITS ALLIES AGAINST IRANIAN BALLISTIC MISSILES.

(a) FINDING.—Congress finds that Iran maintains a nuclear program in continued defiance of the international community while developing ballistic missiles of increasing sophistication and range that pose a threat to both the United States and its North Atlantic Treaty Organization (NATO) allies.

(b) POLICY OF THE UNITED STATES.—It is the policy of the United States—

(1) to develop and deploy, as soon as technologically possible, an effective defense against the threat from Iran described in subsection (a)(1) that will provide enhanced protection for the United States, its friends, and its North Atlantic Treaty Organization allies; and

(2) to proceed in the development of such response in a manner such that the missile defenses fielded by the United States in Europe are complementary to missile defense capabilities that might be fielded by the North Atlantic Treaty Organization in Europe.

SA 2025. Mr. REID (for Mr. LEVIN) proposed an amendment to the bill H.R. 710, to provide that criminal penalties do not apply to paired donations of human kidneys, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Charlie W. Norwood Living Organ Donation Act''.

SEC. 2. AMENDMENTS TO THE NATIONAL ORGAN TRANSPLANT ACT.

Section 301 of the National Organ Transplant Act (42 U.S.C. 274e) is amended—

(1) in subsection (a), by adding at the end the following: ''For purposes of this section, human organ paired donation and similar practices, as defined by the Secretary, shall not be considered to involve the transfer of a human organ for valuable consideration.''; and

(2) in subsection (c), by adding at the end the following:

''(4) The term 'human organ paired donation' means the donation and receipt of human organs in a circumstance in which each of the following applies:

''(A) An individual (referred to in this paragraph as the 'first donor') desires to make a living donation of a human organ specifically to a particular patient (referred to in this paragraph as the 'first patient'), but such donor is biologically incompatible as a donor for such patient.

''(B) A second individual (referred to in this paragraph as the 'second donor') desires to make a living donation of a human organ specifically to a second particular patient (referred to in this paragraph as the 'second patient'), but such donor is biologically incompatible as a donor for such patient.

''(C) Subject to subparagraph (D), the first donor is biologically compatible as a donor of a human donor for the second patient, and the second donor is biologically compatible as a donor of a human organ for the first patient.

''(D) If there is any additional donor-patient pair as described in subparagraph (A) or (B), each donor in the group of donor-patient pairs is biologically compatible as a donor of a human organ for a patient in such group.

''(E) All donors and patients in the group of donor-patient pairs (whether 2 pairs or more than 2 pairs) enter into a single agreement to donate and receive such human organs, respectively, according to such biological compatibility in the group.

''(F) Other than as described in subparagraph (E), no valuable consideration is knowingly acquired, received, or otherwise transferred with respect to the human organs referred to in such subparagraph.''.

SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that details the progress made towards understanding the long-term health effects of living organ donation.

SEC. 4. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend the Social Security Act (42 U.S.C. 301 et seq.) (or any regulation promulgated under that Act).

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an additional item has been added to the agenda of a previously announced hearing.

On Thursday, June 28, 2007, I announced that a hearing would be held before the Committee on Energy and Natural Resources on Thursday, July 12, 2007, to consider pending nominations, including the nomination of Clarence H. Albright of South Carolina, to be Under Secretary of Energy; Lisa E. Epifani of Texas, to be an Assistant Secretary of Energy, Congressional and Intergovernmental Affairs; and James L. Caswell of Idaho, to be Director of the Bureau of Land Management, Department of the Interior.

Since that announcement was made, the nomination of Brent T. Wahlquist of Pennsylvania, to be Director of the Office of Surface Mining Reclamation and Enforcement, has been referred to the Committee on Energy and Natural Resources and added to the agenda of the Thursday, July 12 hearing.

As previously announced, the hearing will convene at 9:30 a.m. in room SD–266 of the Dirksen Senate Office Building, and witnesses may testify by invitation only. Those Wishing to submit written testimony for the hearing record, however, may send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC, 20510–6150 or by e-mail to amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 12, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Transportation Issues in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled, ''Dirty Bomb Vulnerabilities: Fake Companies, Fake Licenses, Real Consequences.'' The Subcommittee's hearing will examine certain vulnerabilities in the Government's procedures for licensing radiological materials. This hearing builds upon the findings released at the Subcommittee's hearing on March 28, 2006, which examined certain flaws in U.S. safeguards against radiological and nuclear attacks. Specifically, the hearing will examine the effectiveness of the Nuclear Regulatory Commission's materials licensing policies and procedures, including: (1) The process by which parties obtain NRC materials licenses; and (2) the vulnerability of NRC materials licenses to counterfeiting. Witnesses for the upcoming hearing will include representatives of the Government Accountability Office and the Nuclear Regulatory Commission. A final witness list will be available Tuesday, July 10, 2007.

The Subcommittee hearing is scheduled for Thursday, July 12, 2007, at 9 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations.

AUTHORITY FOR COMMITTEES TO MEET

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, July 9, 2007, at 2:30 p.m., in order to conduct a hearing entitled ''Excessive Speculation In The Natural Gas Market.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. I ask unanimous consent that Jacqueline Beatty-Smith, a fellow in my office, be granted the privileges of the floor during consideration of H.R. 1585.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. On behalf of Senator CLINTON, I ask unanimous consent that privileges of the floor be granted to the following fellows in her office during consideration of H.R. 1585: Jaime Martinez, Nicole Wilett, and Eleanor Edson.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that Mark Carlton, a Marine Corps Fellow in Senator KENNEDY's office, be granted the privilege of the floor during the consideration of H.R. 1585, the Defense Authorization bill for fiscal year 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, on the Defense bill, I ask unanimous consent that Scott Suozzi, a military fellow in my office, be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEARY. Madam President, I ask unanimous consent that LCDR Christopher Martin, a U.S. Coast Guard fellow in Senator CHRISTOPHER DODD's office, be granted the privilege of the floor for the duration of debate on H.R. 1585, the national Defense authorization bill, and for votes during that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. Presdient, I ask unanimous consent that Jeffrey Gonzalez and Mathew Pollard, both of the Senate Budget Committee, be granted floor privileges during consideration of H.R. 1585.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent to allow Air Force Fellow Daniel Wolf of my staff floor privileges for the duration of the consideration of the National Defense Authorization Act, S. 1547.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHARLES W. NORWOOD LIVING ORGAN DONATION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 77, H.R. 710.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 710) to amend the National Organ Transplant Act to provide that criminal penalties do not apply to paired donation of human kidneys, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, this bipartisan substitute is nearly identical to S.487, which I introduced along with Senators BOND, DORGAN, GRAHAM, DURBIN, MIKULSKI, PRYOR, CARDIN, ISAKSON, COLEMAN, BROWN, and CHAMBLISS, and which passed the Senate on February 15, 2007. Companion legislation was introduced in the House where it was renamed in honor of our House colleague, the late Representative Charles Norwood, a longtime advocate of organ donation, who sponsored the legislation earlier this year along with Representative JAY INSLEE.

Our legislation, the Living Kidney Organ Donation Clarification Act, will save lives by increasing the number of kidneys available for transplantation through a process called paired organ donation. It addresses this relatively new procedure, which is supported by numerous medical organizations, including the United Network for Organ Sharing, the American Society of Transplant Surgeons, the American Society of Transplantation, the National Kidney Foundation and the American Society of Pediatric Nephrology. Paired organ donation, which did not exist when the National Organ Transplant Act, NOTA, was enacted more than two decades ago, will make it possible for thousands of people who wish to donate a kidney to a spouse, family member or friend, but find that they are medically incompatible, to still become living kidney donors.

The legislation is necessary because the National Organ Transplant Act, NOTA, which contains a prohibition intended by Congress to preclude purchasing organs, is unintentionally impeding the facilitation of matching incompatible pairs. Our legislation would simply add kidney paired donation to the list of other living-related donation exemptions that Congress originally placed in NOTA. It removes an unintended impediment to kidney paired donations by clarifying ambiguous language in section 301 of the National Organ Transplant Act, NOTA. That section has been interpreted by a number of transplant centers to prohibit such donations. In section 301 of NOTA, Congress prohibited the buying and selling of organs. Subsection (a), titled ''Prohibition of organ purchases,'' says: ''It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration. . . .'' This legislation does not remove or alter any current provision of NOTA, but simply adds a line to section 301 which states that paired donations do not violate it.

Congress surely never intended that the living donation arrangements that permit kidney paired donation be impeded by NOTA. Our bill simply makes that clear. Some transplant professionals involved in these and other innovative living kidney donation arrangements have proceeded in the reasonable belief that these arrangements do not violate section of 301 of NOTA, but they contend that they are doing so under a cloud.

In the process of kidney paired donor transplants, a pair consisting of a kidney transplant candidate and a biologically incompatible living donor is matched with another such pair to enable two transplants that otherwise would not occur. In other words, the intended recipient of each donor is incompatible with the intended donor but compatible with the other donor in the arrangement.

No Federal dollars are needed to implement this change. And, for each patient who receives a kidney, Medicare will save roughly $220,000 in dialysis costs. It is essential that we make the intent of Congress explicit so that transplant centers which have hesitated to implement incompatible living kidney donation programs can feel free to do so.

Mr. REID. Mr. President, I ask unanimous consent that the Levin amendment at the desk be considered and agreed to, the bill, as amended, be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, the above occurring with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 2025) was agreed to, as follows:

(Purpose: To provide a complete substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Charlie W. Norwood Living Organ Donation Act''.

SEC. 2. AMENDMENTS TO THE NATIONAL ORGAN TRANSPLANT ACT.

Section 301 of the National Organ Transplant Act (42 U.S.C. 274e) is amended—

(1) in subsection (a), by adding at the end the following: ''For purposes of this section, human organ paired donation and similar practices, as defined by the Secretary, shall not be considered to involve the transfer of a human organ for valuable consideration.''; and

(2) in subsection (c), by adding at the end the following:

''(4) The term 'human organ paired donation' means the donation and receipt of human organs in a circumstance in which each of the following applies:

''(A) An individual (referred to in this paragraph as the 'first donor') desires to make a living donation of a human organ specifically to a particular patient (referred to in this paragraph as the 'first patient'), but such donor is biologically incompatible as a donor for such patient.

''(B) A second individual (referred to in this paragraph as the 'second donor') desires to make a living donation of a human organ specifically to a second particular patient (referred to in this paragraph as the 'second patient'), but such donor is biologically incompatible as a donor for such patient.

''(C) Subject to subparagraph (D), the first donor is biologically compatible as a donor of a human donor for the second patient, and the second donor is biologically compatible as a donor of a human organ for the first patient.

''(D) If there is any additional donor-patient pair as described in subparagraph (A) or (B), each donor in the group of donor-patient pairs is biologically compatible as a donor of a human organ for a patient in such group.

''(E) All donors and patients in the group of donor-patient pairs (whether 2 pairs or more than 2 pairs) enter into a single agreement to donate and receive such human organs, respectively, according to such biological compatibility in the group.

''(F) Other than as described in subparagraph (E), no valuable consideration is knowingly acquired, received, or otherwise transferred with respect to the human organs referred to in such subparagraph.''.

SEC. 3. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a report that details the progress made towards understanding the long-term health effects of living organ donation.

SEC. 4. NO IMPACT ON SOCIAL SECURITY TRUST FUND.

Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend the Social Security Act (42 U.S.C. 301 et seq.) (or any regulation promulgated under that Act).

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 710), as amended, was read the third time and passed.

NATIONAL WATERMELON MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 262.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 262) designating July 2007 as ''National Watermelon Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 262) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 262

Whereas watermelon production constitutes an important sector of the agricultural industry of the United States;

Whereas, according to the January 2006 statistics compiled by the National Agricultural Statistics Service of the United States Department of Agriculture, the United States produces 4,200,000,000 pounds of watermelon annually;

Whereas watermelon is grown in 49 States, is purchased and consumed in all 50 States, and is exported to Canada;

Whereas evidence indicates that eating 2½ to 5 cups of fruits and vegetables daily as part of a healthy diet will improve health and protect against diseases such as cancer, high blood pressure, stroke, and heart disease;

Whereas proper diet and nutrition are important factors in preventing diseases such as childhood obesity and diabetes;

Whereas watermelon has no fat or cholesterol and is an excellent source of the vitamins A, B6, and C, fiber, and potassium, which are vital to good health and disease prevention;

Whereas watermelon is also an excellent source of lycopene;

Whereas lycopene, an antioxidant found only in a few red plant foods, has been shown to reduce the risk of certain cancers;

Whereas watermelon is a heart-healthy food that has qualified for the heart-check mark from the American Heart Association;

Whereas watermelon has been a nutritious summer favorite from generation to generation; and

Whereas it is important to educate citizens of the United States regarding the health benefits of watermelon and other fruits and vegetables: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of ''National Watermelon Month'';

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities; and

(3) designates July 2007 as ''National Watermelon Month''.

CONGRATULATING ST. MARY'S COLLEGE OF MARYLAND

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 265.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 265) congratulating the St. Mary's College of Maryland sailing team for winning the 2007 Inter-collegiate Sailing Association (ICSA) Women's National Championship and the 2007 ICSA Team Race National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 265) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 265

Whereas on May 25, 2007, the St. Mary's College of Maryland Lady Seahawks won the 2007 Inter-collegiate Sailing Association (ICSA) Women's National Championship in Norfolk, Virginia;

Whereas the 2007 ICSA Women's National Champions defeated 17 other teams;

Whereas the 2007 ICSA Women's National Champions are Jennifer Chamberlin, Mattie Farrar, Adrienne Patterson, Melissa Pumphrey, and Sara Morgan Watters;

Whereas Adrienne Patterson is the first Lady Seahawk to be named the ICSA Female College Sailor of the Year;

Whereas on May 29, 2007, the St. Mary's College of Maryland Seahawks won the 2007 ICSA Team Race National Championship defeating 13 other teams in Annapolis, Maryland;

Whereas the 2007 victory is the fourth ISCA Team Race National Championship and the second Women's National Championship for the St. Mary's College of Maryland Seahawks;

Whereas the 2007 ICSA Team Race National Champions are Jennifer Chamberlin, Myles Gutenkunst; John Howell, Phelps Kelley, Jesse Kirkland, John Loe, Maggie Lumkes, Meredith Nordhem, and Hilary Wiech; and

Whereas the coaches of the 2007 ICSA Women's National Champions and the 2007 ICSA Team Race National Champions are Adam Werblow and William Ward: Now, therefore, be it

Resolved, That the Senate congratulates the St. Mary's College of Maryland sailing team for winning the 2007 ICSA Women's and Team Race National Championships.

ORDERS FOR TUESDAY, JULY 10, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until tomorrow morning, Tuesday, July 10; that on that day, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each and the time equally divided between the two leaders or their designees, with the first half under the control of the Republicans and the final half under the control of the majority; that following morning business, the Senate resume consideration of H.R. 1585; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for the respective conference lunch meetings.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 1

The ACTING PRESIDENT pro tempore. The Chair appoints from the Committee on Homeland Security and Governmental Affairs Mr. LIEBERMAN, Mr. LEVIN, Mr. AKAKA, Mr. CARPER, Mr. PRYOR, Ms. COLLINS, Mr. VOINOVICH, Mr. COLEMAN, and Mr. COBURN; from the Committee on Banking, Housing and Urban Affairs, Mr. DODD and Mr. SHELBY; from the Committee on Commerce, Science and Transportation, Mr. INOUYE and Mr. STEVENS; from the Committee on Foreign Relations, Mr. BIDEN and Mr. LUGAR.

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Tuesday, July 10, 2007, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Monday, July 9, 2007:

THE JUDICIARY

LIAM O'GRADY, OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

PAUL LEWIS MALONEY, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN.

JANET T. NEFF, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN.

ROBERT JAMES JONKER, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN.