Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, what is the pending amendment?

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will return to consideration of H.R. 1585.

The Senator from Michigan.

Mr. LEVIN. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. There are amendments to the motion to commit with instructions.

Mr. LEVIN. Other than those amendments that filled up the tree, there are no pending amendments; is that correct?

The PRESIDING OFFICER. There are also amendments to the substitute.

AMENDMENT NO. 2997

Mr. LEVIN. Mr. President, we are trying to work out a unanimous consent agreement so we can vote on the amendment of the Senator from Delaware, hopefully, at 5:30. We are attempting to work out a unanimous consent agreement. We do not have it yet.

I will suggest, if the Senator from Delaware is willing, because there is a reasonable chance we are going to get there, that he now describe his amendment and offer his amendment, and then—he cannot technically offer it, but he can describe his amendment—and, hopefully, we can get a unanimous consent agreement. If we do, he could then technically offer it.

So I would suggest that without offering his amendment, the Senator from Delaware describe his amendment, debate his amendment, in the hopes we can get a unanimous consent agreement to vote on that amendment at 5:30. We do not have it yet, but we are working on it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am happy to do that. I see the former distinguished ranking member of the Armed Services Committee is on the floor. Let me say at the outset how much I appreciate both him and the chairman of the committee for making some very constructive suggestions as to how to amend my amendment.

At the appropriate time, I will call up the amendment and move for its modification. But I want to, at the outset, tell the Senator from Virginia how much I appreciate his leadership. The truth is, he and I had a fairly extensive colloquy on the floor last week on this amendment. True to his word, the Senator said he was going to take a look at this amendment, he was seriously interested in it, and he wanted to look at it. As is always the case with the Senator from Virginia, he kept his word. He not only kept his word, but he improved what Senator BROWNBACK and I and Senator BOXER and others had come forward with. Again, at the appropriate time, I will move to amend Biden-Brownback along those lines.

But, as I understood it, there was the possibility that if we had gotten the unanimous consent agreement, there would be 15 minutes on a side. I know a number of people want to speak. I had an opportunity to speak on this amendment at length last week.

My distinguished colleague from California, who I must say—and I am sure my colleagues will fully appreciate this—we would not have gotten to this point were it not for the Senator from California. Her embrace of this approach well over a year ago, quite frankly, legitimized this in a way on my side of the aisle that no one else, quite frankly, could have done.

The fact that it has such, at this point—and, God willing, as my grandfather would say, and the ''crick'' not rising—hopefully, when we vote, it will bear out what I am about to say. This has genuine bipartisan support but not merely bipartisan support. This has genuine support that crosses ideological divides as narrow or as wide as they are in this body. I think that is a very hopeful sign for the emergence of a policy in Iraq that would give us some real opportunity.

With the Chair's permission and my colleagues' permission, I would like to yield the floor to my colleague from California, if she would like to speak to this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, are we awaiting, hopefully, an agreement at this point? We are speaking on the bill in general? Is that where we are?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Mr. President, I hope my colleagues will indulge me for about 5 or 6 minutes while I speak about the Biden-Brownback-Boxer-Specter, and many other colleagues on both sides of the aisle, amendment. I wish to say to my colleague from Delaware how much I appreciate what he has done. In the face of so much opposition, he has kept to this idea that we need to respect the Iraqis enough to understand the reality of their situation.

I remember before we had the vote on whether to go to war, or give the President the authority to go to war, a friend of mine, former Congressman John Burton, called me and said: BARBARA, I want you to read one book before you cast your vote, one book that I think explains what Iraq is about. That book is entitled ''The Reckoning,'' and it was written by someone named Sandra Mackey, a historian, in 2002. So I read the book before we voted on whether to give the President authority to go into Iraq. The book detailed how Saddam Hussein egregiously used his power as a brutal dictator and a strongman to hold that country together. She explains the history of Iraq and why the only way to hold it together, in her view, was by such a strongman and what a terrible reality she came to. She said that after World War I, Iraq was a young, fragile country, patched together by the victorious European powers.

She wrote:

> Within its artificial boundaries, the Iraqis have lived for eight decades as a collection of competing families, tribes, regions, tongues, and faiths. This complex, multilayered mosaic of Arabs and nonArabs, Muslims, and Christians, is trisected by Iraq's three major population groups, each in possession of a distinct identity; each group dominates a region of Iraq—the Sunnis the center, the Shia the south, the Kurds the north.

She goes on to conclude:

> Iraq is a state, not a nation. Over the 80 years of their common history, the Iraqis have engaged in the conflicted, and at times convoluted search for a common identity. But Iraqis as a whole have never reached consensus.

What Senator BIDEN has understood for several years now, and why I was so interested in supporting him from the very start as a proud member of his Foreign Relations Committee, is we have to deal with the Iraq we have, not the Iraq we wish we had. If that sounds similar to someone—I understand that is a similar sentence. But we don't have an Iraq that we romantically wish we had. After all, as Senator BIDEN has said many times, for Iraq to survive and thrive, they have to want democracy as much as we want it for them. I think that quote by Senator BIDEN has been in my mind since the very start of this war that I did not vote for.

So I see a light at the end of a very dark tunnel—a darkness that is impacting our Nation. It is impacting the Senate in a way where we are paralyzed. We can't get from A to B; we can't see this light. We can't grab it. We argue over military tactics such as a surge. Our military has done everything we have asked them to do. But every single military leader and political leader has told us there is only one solution, and it is a diplomatic one. In this very important amendment, what Senator BIDEN and the rest of us are doing is saying, there is a light at the end of the tunnel. Look at the Kurds. Look at the Kurdish area. Do my colleagues know, and thank God, we haven't lost one soldier in that area. Of the approximately 165,000 soldiers we have there, only 100 soldiers are there.

The Kurds are running their own lives. They even fly the Kurdish flag. They make their own decisions. I think worth repeating is this solution we are putting before the Senate today—we hope it is today—recognizes the Iraqis will decide this for themselves, that this idea is consistent with the Constitution, not outside their Constitution. Of course, they will be the ones who have to embrace this.

But what this amendment does is it says to the world we are ready to move past a military solution. We understand we are not going to have lasting

peace when all you have on the table is a gun and bullets. We have to put a diplomatic solution on the table.

So I am very delighted to have this time now. I don't know if I will have any time later to speak, but I have said what I need to say. I think this is a golden moment for us. I think we could move this debate in a better direction, in a direction all of us want to move it, whether we are Republicans or Democrats, whether we voted for the war or not. We want to craft some type of political solution. We want a roadmap. The Senator from Delaware has given it to us. I am proud to be a part of this bipartisan group that has cosponsored this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 3017

Mr. DURBIN. Mr. President, I wish to thank my colleagues, the Senator from California and the Senator from Delaware. They are making a sincere effort to find a way out of this terrible morass we are in, in Iraq. I can recall 5 years ago when we were called on to vote to give an authorization for the use of force to President Bush. It was in October, before an election a few weeks away, and there were some who argued the President would never use that force. There were some who argued he would use it immediately. Unfortunately, history has proven he used it in a few months. We now find ourselves enmeshed in a war we never bargained for.

That authorization for the use of force said it was for the purpose of deposing a dictator and destroying weapons of mass destruction that threatened the United States. The dictator is gone, the weapons of mass destruction never existed. Yet we are still there and 3,800 American soldiers have been killed so far, 30,000 injured, and 10,000 grievously injured. The numbers rise by the day. At one hundred a month, American soldiers die. There is violence on the streets. Attempts to have meetings for cooperation and compromise are cut short by bombs and bullets. It is a situation which we never bargained for, and this President has no concept of how to extricate America from that morass.

I call to the attention of the Senate, though, not the Biden-Brownback amendment, which I will speak to at a later time but, rather, an amendment offered by Senators LIEBERMAN and KYL. It is an amendment which relates to a country next to Iraq—Iran. Iran is a dangerous country. Yesterday, there was a lot of controversy about whether its President should be allowed to speak at a major university in the United States. Many argued he should not have. Whatever your opinion on whether he should have been allowed to speak, when it was all said and done, when he had finished his speaking, there was no doubt in my mind that it was pretty clear how radical and unreliable he is. Some of the things he said were preposterous, outrageous, and didn't reflect the truth as we know it, either in the United States, the world, or in his country of Iran. I can't imagine that President Ahmadi-Nejad won any converts yesterday, but he is the head of a dangerous nation, a nation which in many respects is moving in directions which the United States has to view very warily.

I have joined with Senator GORDON SMITH in a bipartisan resolution applying economic pressure and diplomacy to change the Iranian policies that might lead to nuclear armaments. I believe that is our first order of business and a high priority for the United States. That is why I joined him in that resolution. In fact, in the past, I voted for resolutions by Senator LIEBERMAN and others acknowledging the potential threat of Iran. I think we should be forewarned that this is a dangerous country, until they change their ways and perhaps change their leadership.

I wish to commend to every Senator before the vote on the Lieberman-Kyl amendment that they take a few moments and read it. There is a paragraph in this amendment which I find troubling, if not frightening. I wish to read it into the RECORD. I will concede this is a sense-of-the-Senate amendment and doesn't have the force of law, but I want my colleagues to understand what they are voting for if they decide that a vote for the Lieberman-Kyl amendment is a vote against Iran. I will read it as follows:

> It is the sense of the Senate—

And now I read from paragraph 4 in the Lieberman-Kyl amendment, and I quote verbatim from the latest version I have—

> to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies.

I see the Senator from Connecticut is on the floor. If this language has been deleted or changed, I hope he will bring to it my attention, because as written and as read, the language that I have been given is troubling. Conceding this is a sense-of-the-Senate amendment, we are, in fact, saying we support the use of military instruments in Iran. What does that mean? Does that mean we are supporting the invasion of Iran, that we are supporting military tactics against Iran? Shouldn't we be extra careful in the language of these amendments when we find that the authorization of force for Iraq has dragged us into a war now in its fifth year, a war longer than World War II, with bloody and deadly consequences for the United States and innocent Iraqis?

I can't vote for this language as read. If it has been changed or will be changed, I am ready to talk, because I certainly have no defense of Iran and its intrigue, its activities, and its plans that we understand to be the development of nuclear weapons.

As I have said, I have joined with Senator SMITH encouraging economic and diplomatic sanctions against Iran, but this amendment goes beyond that. I repeat:

> (4) to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies.

I think this is entirely too expansive. It is dangerous language. Those who vote for it are going on the RECORD for the use of military power in a way that I don't think they fully comprehend. Again, if this is being changed, if it is going to be changed before the vote, then I will concede that many items before the Senate are works in progress. But as written and as read, I cannot accept this language. I think it is a dangerous effort to put us on the record for the use of military force in Iran. Even if we are militarily capable of doing that today—and some question whether we are—the simple fact is there is a process to call for congressional approval under our Constitution before we declare war on any Nation. This, unfortunately, takes us down that road toward that goal in a way that I think is unacceptable, and for that reason I will oppose it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 2997

Mrs. HUTCHISON. Mr. President, I rise today to speak on the Biden amendment, and I hope we are going to proceed with a vote on this amendment. I am an original cosponsor. I appreciate what Senator BIDEN has brought forward. He has talked about the semiautonomous region in Iraq for a long time—for over a year. Mr. President, so have I. I, too, have written an op-ed piece that says let's look at a long-term solution. I think we saw from General Petraeus in the last couple of weeks that we should be so proud of our military and what we have done to give security to the Iraqi people. It is not perfect, and it is not finished, but it is so much better than it has been before. Violence is down.

Mr. President, everybody who has been to Iraq, including myself and most Members of the Senate, can see clearly that American forces securing Iraq is not a long-term solution. We must have an Iraq that has an economic and a political solution. I don't think you can have a political solution if you don't have an economy, if people don't have jobs, if they cannot start small businesses, if they cannot take their children to school. You are not going to be able to have a long-term solution without the building of an economy and a political base. That is why I support this amendment, why I am an

original cosponsor with so many Republicans and Democrats coming together.

When I hear some of my colleagues on the other side of the aisle talking about their view of the war, I differ with them about what we should do militarily. But I do think all of us are coming together to say we should have a long-term solution with fewer American troops in a support role, not a frontline role. The way to do that is to have an economy and political stability.

That is what I think the Biden amendment would suggest. We are not telling the Iraqi people what to do. They passed their own law to implement it. They have a much longer history there than we do. I think we should continue to promote this as a solution. I think we need to do a few other things in conjunction with this. I think we should work more closely with Iraq's neighbors. I think the Bush administration is doing that now. I think the Secretary of State is doing a great job of bringing the neighbors in and saying: You have a stake here, and certainly it is in everyone's interest in the region to have a stable Iraq that is not a terrorist breeding ground.

That should be pursued with the idea that they could also be helpful in regions that would work in a semi-autonomous way. It is federalism with states that have their own self-governance.

Dr. Henry Kissinger, in an appearance before the Senate Committee on Foreign Relations, said:

> I am sympathetic to an outcome that permits large regional autonomy. In fact, I think it is very likely that this will emerge out of the conflict that we are now witnessing.

Secretary Kissenger went on to say, in a Washington Post op-ed last week:

> It is possible that the present structure in Baghdad is incapable of national reconciliation because its elected constituents were elected on a sectarian basis. A wiser course would be to concentrate on the three principal regions and promote technocratic, efficient and humane administration in each. . . . More efficient regional government leading to substantial decrease in the level of violence, to progress towards the rule of law and to functioning markets could then, over a period of time, give the Iraqi people an opportunity for national reconciliation.

Mr. President, our efforts in the Balkans are instructive here. A little over 10 years ago, from 1992 to 1995, the war in the Balkans left 250,000 people dead and millions homeless. The Dayton Peace Accords ended that conflict. The agreement retained Bosnia and Herzegovina's international boundaries and created a joint multiethnic and democratic government charged with a very narrow power—to conduct foreign, diplomatic, and fiscal policy. That is the overarching national government of Bosnia and Herzegovina.

There is a second tier of government there now, comprised of two entities that are roughly equal in size. The Bosniak/Croat Federation of Bosnia and Herzegovina and the Bosnian Serb-led Republica Srpska. The Federation and the Srpska governments oversee most government functions. Since the Dayton Peace Accords was signed, the guns of Bosnia have been silent. More than a million people have returned to their prewar homes. The success in Bosnia has enabled the number of U.S. troops in the region to decline substantially.

At the end of 1995, there were 20,000 U.S. combat troops in the Bosnia region. I visited those troops seven times. The first time I went into Bosnia it was undercover. We had on flack jackets and helmets because the Serbs were shooting from the hills. In 2006, there were 600 American troops in Bosnia. Today, there are no combat troops in Bosnia.

Mr. President, I think this should be a model for Iraq. I think we could have a national government that divides the oil royalties, that has the diplomatic function that represents Iraq internationally, and the national government could be a mixture, as it is today. But then you would have semi-autonomous regions. We talked about it. You have Kurdistan in the north, the Shia area in the south, and the middle doesn't have to be one region. I have heard the disagreements about the ability to put that middle into one region because there are Shia and Sunnis in neighborhood to neighborhood. It will be more difficult, but it is also the best opportunity for a long-term solution.

So why not have smaller units across the middle of Baghdad? Why not have some smaller government with an educational system, with the religious sect that is the majority in that sector?

Mr. President, it is so important that we produce more options. Many of the best scholars in this country, the best writers in newspapers in our country, and many of the best diplomats in our country have said this is a potential solution. Some people in this category have said this isn't our first choice. Our first choice is to be a national government that is mixed—that works. That is all of our first choice. But that isn't the choice we have.

We have to recognize that we could not mold a country so quickly after thousands of years of strife along ethnic grounds. So we have to step back, in my opinion, and ask what could work to stabilize this country so that an economic and a political solution will work. With all of the people who are now saying this is an option that should be on the table, I hear people saying, in the end, that is probably the way it is going to be. That is where I come in and say: In the end? Wait a minute. We have a chance to push for leadership now. We have a chance to bring the others in the region together now, so that the American troops who have done such a wonderful job will have two victories. One is that their mission will be accomplished in the right way; two, all of the sacrifices they have made will not be for naught. We cannot walk away from Iraq. We cannot say it is too tough, we are going to surrender. That would make all of the sacrifices that have been made irrelevant. We cannot do it that way. But we do have a potential solution that can save American lives in the future by cutting down the violence right now, by saying if we can step back into a support role because Iraq is emerging as an economic, political, and stable country, then we will have done right by our American troops. We will have done the right thing for future generations of Americans because we will have stood our ground against terrorists taking over Iraq, and we will do it expeditiously.

We don't need to talk about this anymore. The Iraqis have adopted it in their constitution. They have adopted the implementation of the legislation. With some leadership among all of its neighbors in the region, along with the United States and our allies who have given so much in this cause, we can protect future generations of Americans from attacks. We will have built a stable country, which is what we said we wanted to do when we went in to take out Saddam Hussein, who was abusing his people.

Mr. President, some may call for surrender, but that is not the answer. The answer is to promote a real solution that is a long-term solution; that is, allowing the Iraqis to draw their own regions, where they can grow an economy and a government that works along the Bosnian model, and we will be able to stay strong and do the right thing and listen to what people are saying. But that doesn't mean we have to wait and say, oh, that is what is going to happen in the end. Well, how many American lives are going to be lost between now and the end? Let's allow our American troops to take the support role instead of the frontline role, as General Petraeus has started so ably. Let's do what is right for the Iraqi people and the Middle East region as well because a terrorist haven is not in anyone's interest.

I urge my colleagues to support the Biden amendment of which I am a cosponsor, along with a solid Republican and Democratic list of Members who are willing to stand up and say we want this war to end honorably, we want to complete the mission honorably, and we can do it in the right way. And that is to allow them to create their government, which would have a national overlay. The time is now, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I understand there is no time agreement; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, I rise to speak with respect to the Biden amendment. I listened carefully to the Senator from Texas, and I must say I

agreed with a lot of what she said. One thing I violently disagreed with was the notion at the end where she said some may call for surrender. I have not heard any U.S. Senator call for surrender. I think that is part of the sloganeering and talk, unfortunately, that has characterized some of the divisions as people try to find a sensible way of finding success.

There are different views about how you find success here. The notion of setting a date and requiring leverage out of the Iraqi Government to do what it is not doing today is an alternative way of getting them to make those decisions and be successful in this endeavor. It is also, in the view of many people in the Senate, a more effective way of supporting the troops, of honoring their sacrifice with a policy that we believe can actually achieve what their sacrifice is being made for.

I caution colleagues about falling into the easy terminology about ''choosing to lose,'' ''surrender,'' ''walking away,'' and so forth. When we leave the President of the United States discretion, as the Levin-Reed and other Senators', myself included, amendment did, you are leaving the President the discretion to continue to fight al-Qaida, you are leaving the President the discretion to finish standing up the Iraqi troops with training that is necessary to do that, and you are leaving the President full discretion to protect American forces and facilities and interests. What other purpose could there be to be in Iraq 5½ years after the start of war, which is when the date would, in fact, have cut in to leverage their change?

That is not what we are here; in some ways, that is what we are here to debate. Specifically, that is not what we are debating about now because this is a Biden amendment which is a different amendment. I wish to speak to it for a moment.

I have resisted what has previously been put forward as a partition plan because I don't think the United States of America can just walk in and ''partition.'' I think that would, in fact, smack of precisely part of the ingredients that have created the problem we inherited. That is what Winston Churchill and the British did shortly after the turn of the last century. The result was that they drew a lot of artificial lines between different people and created a state that never existed before, and we are inheriting some of the long-term impact and realities of those decisions. So we cannot come in and just partition it, which is why for over 3 years or more I have been pushing for a standing conference, a summit, a peace conference which brings the permanent five and the neighbors and the Iraqi factions that are struggling all to the table simultaneously to work through diplomacy in order to arrive at an understanding of how they can go forward.

Diplomacy has always been the key to trying to find a political settlement in Iraq. It has been absent. One of the reasons I am now a cosponsor of this different amendment by Senator BIDEN and others is that it does not specifically seek to partition. Not for the long term, certainly, and not even in the short term does it seek to partition. What it seeks to do is honor what is already in the Iraqi Constitution as well as recognize the realities that have developed on the ground.

Some 2 million-plus people have been displaced out of the country, some 1.1 million people are displaced within the country, and there has been an ethnic cleansing taking place over the course of the last few years that has resulted, for instance, in the city of Baghdad transitioning from a city that at the beginning of the war was 65 percent Sunni to now it is 75 percent Shia, and the south is almost exclusively Shia, and the Sunni triangle is the Sunni triangle, with some exceptions, obviously. We know there are intermarriages. There are some pockets of places where there are still larger populations of either Sunni or Shia living in a larger either Sunni or Shia surrounded area.

But the bottom line is this: There has been a huge shifting of populations according to ethnic lines that has taken place. There also is an awareness that there is fundamentally a failed government, almost failed state. Everyone, from President Bush to Prime Minister Maliki to General Petraeus, everybody involved with this at a decisionmaking level has acknowledged that there is no military solution, there is only a political solution. So if there is no military solution and there is only a political solution, what is the political solution? Clearly, the political solution—because we have seen over the last 4½ years it is not going to be immediately, maybe down the road but not immediately—to have a strong central functioning government that somehow has the ability to work through the differences of Shia and Sunni divisions with a police that is dysfunctional and an army that is largely Shia.

One of the reasons the Sunni in Anbar have decided to fight al-Qaida and to join forces now is because they are being armed and trained and, in effect, are being put in a position to be able to defend their own interests within that region. They made a political decision before there was any military decision. The political decision they made was that they were tired of al-Qaida literally killing their children and abusing their villages. They made the political decision that they would be better off creating this power base of their own within the region, being trained, getting weapons, creating a Sunni capacity to respond and defend themselves. So the violence has, indeed, gone down, and al-Qaida has been diminished in its efforts in that region.

We have to look at what happened. It was a political decision that preceded the presence of surge troops, escalated—whatever you want to call it—and that political decision has resulted in a transition. But there is nothing on the table that indicates the willingness or capacity of the central Government in Baghdad to make a similar kind of political decision for the Sunni with respect to the differences between Sunni and Shia.

Similarly, you cannot make the difference with respect to the Kurds, who are essentially sitting up there in the north, independent of the rest of what is happening between Sunni and Shia, dealing with their own issue with Turkey and their own issue with some of the dislocation that took place in Kirkuk and elsewhere.

What the Biden amendment does is honor, respect, and build on this reality which has developed on the ground. It takes the reality of an election, which was built on fundamental mistakes by our Government, by the Provisional Authority in the beginning that has created a fundamentally sectarian electoral base from which the decisionmaking is now being made which does not adequately and fully represent the interests that have to be reconciled in the end.

So the way you get from here to there, which is the big question—how do you get from here to there—is through the diplomatic focus that is in this amendment. It calls on the international community to come together in the standing conference that many of us have talked about for several years, and it calls on that conference to recognize these realities and begin to build the local capacity. The Iraqis will decide in what structure, how many regions, or what those regions are.

There is a complete respect for the sovereignty of Iraqis to make these decisions. What it does is encourage the effort of Americans to push in that direction and to create the awareness that may well be the best, most effective, most realistic, fastest way of pulling parties together to represent the interests that are not currently adequately represented within the governing process of Iraq, which is why they cannot reach a resolution.

It is not that Iraqi politicians are not, frankly, tough enough to make that decision; it is that their constituencies do not want them to make that decision. That is the fundamental problem. The Shias are fundamentally committed to a Shia Islamic state, and they are not going to give up that notion when they do not have to, and they do not have to because they have been told that 130,000 American troops are going to be there well into next summer, and we will be right where we were last year when the country almost fell apart after all of this effort.

If you have that kind of guarantee on the table, what leverage is there to make you change in a negotiation? What leverage is there if your real goal is to have a Shia Islamic state if 60 percent of the population has now been given at this unfair ballot box a power

they could never achieve in 1,300 years of history in their relationship with Sunni and Shia? If they have suddenly been given that, what is going to make that 60 percent just give it up? They are not about to. And the 20 percent Sunni, many of whom are in the state of this insurgency, are sitting there saying: We understand that; therefore, we are not going to be adequately represented, and because we are not going to be adequately represented, we are going to continue to fight. There is no ingredient that changes that equation unless you get this kind of diplomacy and this kind of recognition of some of these realities on the ground.

One wise observer of the region said to me the other day—a former Ambassador who has written much about Iraq and thought about it a lot—they may just have to live apart before they can live together now in some of these places.

That is not our goal for the long run. This doesn't destroy the idea of a national identity of Iraq. It doesn't undo that. It honors their own Constitution, which respects the notion of federalism. It allows for those entities to be defined by the Iraqis as to how they share the interests within those particular regions on which they decide. It also, obviously, calls on an oil law to ultimately be the linchpin of these kinds of political opinions because if they don't divide the revenues, there is no way, ultimately, you will be able to resolve these huge sectarian differences.

I believe this amendment offers us a way forward. I have said since day one, back in 2004 when I was running nationally, I said then that this could be one of the solutions, the idea of division and federalism if the Iraqis decide on it. The only way to get to that point is to have the adequacy of diplomacy.

For months, we have talked—the Senator from Virginia, Mr. WARNER, Senator LUGAR, the ranking member of the Foreign Relations Committee, Senator HAGEL, and others—we have all talked about the need to get this adequate diplomacy going, and that is a central component of this sense-of-the-Congress amendment which Senator BIDEN is offering. We all know we cannot impose a solution on the Iraqis, and this amendment does not do that. We all know we cannot just walk in and divide up the country. This amendment does not do that. This respects the sovereignty of the Iraqis, and it respects the notion that Iraq is right now a failing state with a barely functioning central government that has not to date proven its capacity to be able to reconcile the fundamental differences over which the civil war is being fought. In fact, Iraq was recently ranked as the second weakest state in the world, second only to the Sudan. Nothing the Government in Baghdad does in the foreseeable future is going to change that reality.

I believe this approach has the best opportunity to try to provide some of that stability, to help, to work, to buy time, to bring in the international community, to get the Perm Five and the neighbors and others working toward the longer term solution which this resolution also recognizes is important.

We need to change the mission, yes, and I have voted to do that and worked hard with the Senator from Michigan and others to do it. I still believe we need a firm deadline because without it, I don't believe we have leverage. And in the absence of leverage, we certainly are not going to get these kinds of reconciliations and compromises that are necessary.

Senator BIDEN's amendment recognizes that these are not mutually exclusive at all. We can push for those other things and still push for this sense-of-the-Congress amendment because accepting federalism, in fact, makes it easier to change the mission and makes it easier to allow the vast majority of our troops to leave a reasonably stable Iraq when they do finally leave.

For those reasons, Mr. President, I support this amendment, and I urge my colleagues to do the same. I congratulate the Senator from Delaware for his efforts on this amendment.

Mr. WARNER. Mr. President, I wish to make it clear that I am inclined to support this amendment also.

Momentarily, the distinguished Senator from Delaware is going to move to amend the pending amendment at the desk, to reflect some corrections and alleviate some concerns I and other colleagues have. But I wish to make it eminently clear this is not a mission amendment. This is along the lines of the need for greater diplomatic involvement.

As a matter of fact, I can look back a year or so when my colleague was standing at that very desk and we had an amendment at that time on the previous authorization bill that he felt very strongly about. As a matter of fact, we gave it consideration at that time. It did not eventually become the law. Or in some respects it did.

Mr. KERRY. I say to my friend from Virginia we actually passed my amendment that did require the international effort we are talking about. Regrettably, we are a year later, and that international leverage has still not come to fruition, so I am delighted now.

Mr. WARNER. Well, Mr. President, I wanted to reflect that the Senator from Massachusetts was on this very point some time back, and now I think the realization is that, momentarily, we will have the opportunity to vote on this. I would not predict the outcome, but I thank him very much for his contributions.

I wonder if I could invite our colleague from Delaware, given there is some likelihood that we can get the UC to have a vote, if he might want to amend his amendment at this time.

Mr. BIDEN. Mr. President, before I do that, I would like to ask the Senator from Massachusetts——

Mr. WARNER. Mr. President, I have now been informed there is some objection to any amendments at this point in time.

Mr. LEVIN. If the Senator will yield, I don't believe there is an objection to the amendment. I think it is not in order at this moment to offer the modification.

Mr. WARNER. In any event, at this point we will not seek to do the amendments, for whatever technical reason there may be, but I would like to do it when we can get to it.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Delaware.

Mr. BIDEN. Mr. President, I will not bring up the amendment or amend it now, but because time is of the essence for a lot of our colleagues, I wish to speak to what the changes are that were recommended by Senator WARNER and others.

But before the Senator from Massachusetts leaves the floor, I wish to say to him—and I hope it will not in any way cause him any difficulty—he and I have been close friends for over 30 years, and I want him to know, and I want my colleagues to know, that much of what this amendment we are hopefully going to vote on is about is what the Senator and I have talked about for the last 4 years and that he has led on, including the international piece.

As a matter of fact, he led on it from a different perspective, as a candidate, as well. So I wish to tell him how grateful I am for his joining in this amendment. Quite frankly, it is a big deal that he is, and it adds not only credibility to the amendment in terms of our colleagues, but it adds, quite frankly, an international credibility to it because an awful lot of people around the world look to my colleague for his insights into what we do about the most critical issue facing American foreign policy today.

The truth is, in order for us to regain the kind of leadership in the world that I would argue we are lacking, we have to settle Iraq, and we cannot do it on our own. There is a need for the international community. Even if this answer is the perfect answer, it cannot be made in America any longer.

So I wish to thank my colleague and acknowledge that I have learned from him, and I wish to thank him for—and I know we use the phrase very blithely around here—his leadership. But I mean that. I wish to thank him for his leadership. He has been absolutely totally consistent on this point from before the time we actually used force in Iraq until today. So I want the record to reflect that.

Mr. President, while we are waiting to determine whether we are going to be able to proceed on the amendment, I think the concerns raised by several of my friends have been incorporated in

the changes that have been made. I am not moving to amend it now, but I am going to tell my colleagues what the Biden-Brownback amendment will be.

In the findings clauses, finding No. (3) has been added, and it is to reflect the concern raised by the distinguished Senator from Arizona, Senator KYL—and I suspect others, but Senator KYL is the one who raised this with us, in that he wanted to make it clear—

Mr. WARNER. The Senator is correct. I brought it to your attention at the request of Senator KYL.

Mr. BIDEN. We incorporated the exact language I was originally given, with the advice of my colleague from Virginia, and it says:

> A central focus of al-Qaida in Iraq has been to turn sectarian division in Iraq into sectarian violence through a concentrated series of attacks, the most significant being the destruction of the Golden Dome.

So that is one change, one addition we made. A second change we made was at the request, I believe, and I would stand corrected, of both the chairman and the ranking member of the Armed Services Committee, which was deleting a word. It says:

> Iraq must reach a comprehensive and sustainable political settlement in order—

No, that is not true. I am getting the wrong section. I will ask my staff what the second change is, and I will go to the third change. The reason I can't find the change is because we took out the word, and I am trying to recall where we took the word out.

The third thing we changed is the provision in the original resolution to incorporate the strongly held view of the chairman of the Armed Services Committee that we not be forcing upon Iraq anything that is inconsistent with their wishes. The paragraph originally read:

> The United States should actively support a political settlement in Iraq based upon the final provisions of the Constitution of Iraq that create a federal system of government and allow for certain federal regions consistent with the wishes of the Iraqi people and their elected leaders.

And then, I believe at the request or suggestion of the distinguished ranking member from Virginia, the actual last paragraph of the resolution, paragraph 5, says:

> Nothing in this act should be construed in any way to infringe on the sovereign rights of the Nation of Iraq.

Again, both my colleagues can explain their motivation better than I, but the central point that is attempted to be achieved is to make it clear that neither Senator BROWNBACK nor I, nor any of the cosponsors, believe we should be imposing a political solution on the Iraqi people. It is sort of self-evident to me that you cannot impose a political solution. A political solution has to be arrived at by the competing parties. I would argue, as I think my colleagues in the Armed Services Committee would agree now, that what we are doing is consistent with Iraq's Constitution and consistent with the ability of the Iraqis to further amend their Constitution to come to a different conclusion.

Mr. WARNER. If the Senator will yield for the purpose of my commenting on this.

Mr. BIDEN. I will be delighted to yield to the Senator from Virginia.

Mr. WARNER. Paragraph 5 is the language recommended by the Senator from Virginia.

Incidentally, Senator MCCAIN is the ranking member. I had that job off and on for 18 years.

Mr. BIDEN. I am sorry. I am so used to the Senator being chairman.

Mr. WARNER. I wished to reflect that my colleague, Senator MCCAIN, is the distinguished ranking member.

But I put in paragraph 5, because this is a very challenging amendment, and I wanted to make certain that in no way did we overstep on the question of sovereignty. The word ''sovereignty'' is well described in international law and in other means as an accepted term, and it is well understood, so I am delighted the Senator agreed to put that in.

Lastly, when we look at the enormity of the sacrifices of our country over these many years now—most notably the tragic loss of some 3,000, almost 3,800 individuals and many more wounded, and expenditures of so much of the taxpayers' funds—the contributions of all of that has gotten us to where we are today. The keystone of those achievements is the sovereignty that has been given to the Iraqi people. That is the major contribution of the enormity of our sacrifice through these years. So in no way did we want to backstep from all of this hard-fought ground to achieve sovereignty for the Iraqi people.

So I am delighted the Senator accepted that. Then, if we can look at one other paragraph, Senator, and that was on page 2, paragraph (4), the Senator was going to consider deleting the word ''increasing'' correct?

Mr. BIDEN. As I understand, the distinguished ranking member of the Foreign Relations Committee, Senator LUGAR, suggested that instead of '' . . . Iraqis to reach such a settlement is a primary cause of increasing violence in Iraq,'' he wished the word ''increasing'' be struck from the language. It now reads: '' . . . settlement is the primary cause of violence in Iraq.''

So we have struck that. To the best of my knowledge, I say to my friend from Virginia, I think we have accommodated all the changes that were suggested.

Mr. WARNER. Mr. President, first going to paragraph (4), deleting ''increasing'' and the concern of the distinguished ranking member, Senator LUGAR, it was also a concern to the Department of State. So that has been done.

All the concerns that have been brought to this Senator's attention, the Senator from Virginia, I think have been met by the Senator from Delaware, and it is for that reason I am pleased, if and when we get to the vote, to cast a vote in favor of this because I think it is an important amendment.

Also, if I may say, it reflects a goal that I and many others have had for a long time; namely, to have a showing of some bipartisanship. I am hopeful this will draw votes from not only your side of the aisle but this side of the aisle, and it can be viewed as a truly bipartisan amendment. Certainly, you have distinguished cosponsors on it, Senator BROWNBACK, Senator HUTCHISON, Senator SPECTER, and others, so I believe it will be viewed as a bipartisan amendment. And that in and of itself is an important contribution to this debate all around.

Mr. BIDEN. Mr. President, I see the chairman has risen. Does he wish to speak?

Mr. LEVIN. If the Senator will yield.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wish to briefly thank and commend the Senator from Delaware for his ongoing leadership in a very critical area, and that is the area of federalism in Iraq. He has made it clear in his amendment, he has made it clear in his remarks that the federalism he is referring to is the federalism which the Iraqis have placed in their Constitution.

Mr. BIDEN. That is correct.

Mr. LEVIN. There is no effort here to impose our view of federalism or an outside view of federalism on the Iraqis. It is their view of federalism, reflected in their own Constitution, that the Senator has viewed as a real potential solution to the violence in the provinces in Iraq.

So I wish to thank the Senator from Delaware, and perhaps at this point, if I could get the attention of the Senator from Delaware, in order to save time later, he and I have entered into a colloquy which doesn't need to be made part of the RECORD at this time, it could be put in the RECORD after the amendment is modified.

So I ask unanimous consent that after the amendment is modified to have printed in the RECORD a colloquy between myself and the Senator from Delaware.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Mr. President, the colloquy which we will offer then at a later time refers to two changes that have been made, or will be offered to the amendment by the Senator from Delaware, modifying his own amendment, which he has a right to do.

The first suggestion I made, which he has readily accepted, is to make it clear the federalism that is being referred to in his language is the federalism in the Iraqi Constitution as it now reads or as it may be amended. In

the event that the Iraqis' constitutional commission makes recommendations on that subject, and if those recommendations are accepted by the people, it is their view of federalism, in the current Constitution or in an amended Constitution, the word he added being ''final,'' that he is referring to. I thank him for that.

Also, I thank him for accepting language which makes it clear that the federalism he is referring to is a system of government that allows for the creation of Federal regions. The words that are now added, or would be added when it is modified are ''consistent with the wishes of the Iraqi people and their elected leaders.''

The reason I propose that is we have to be very clear that what the Senator from Delaware is focusing on is a Federal system which the Iraqi people either have adopted or will adopt. This is something consistent with their wishes, not ours. What we wish them to do is get on with their solutions, their political solutions. What the Senator from Delaware is so properly focusing on, and I think this Nation should be in his debt for it, is the potential of a Federal system as they designed it for addressing their problems.

We have seen the value of federalism here, but it is not our version of it that the Senator is talking about. It is the idea of federalism and how you are able to adjust powers between the central government and regions which has such potential for finally ending the violence in Iraq. He recommends it. We all, I hope, will support that as being a potential solution—not imposed on them but one which they have fashioned in their own Constitution, have adopted in their own Constitution, can amend in their own Constitution. That, it seems to me, is a very valuable contribution for which I commend the Senator.

He can offer, on our behalf, a colloquy at the appropriate time relative to the modification when it is offered.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Arizona is recognized.

Mr. KYL. I wanted to clarify one thing. Through no fault of the Senator from Delaware—he was under the impression that certain language he agreed to, to change his resolution, had come from me, and he had reason to believe that. It did not come from me, but that is not his mistake. But I did want to clarify the record that the language that he had agreed to had not been language that came from me. For reasons I will not go into at this point, I still have concerns about the resolution as a result. But it is not the fault of the Senator from Delaware that he was under the impression that it was language from me.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I understand. The Senator is correct; I was under a misimpression.

As I understand it, for our colleagues here—and I say to my colleague from Michigan, the chairman, I understand it would accommodate other Senators if we were to set a time certain to vote tomorrow morning on this amendment and, I guess, I don't know, the Lieberman amendment—Lieberman/Kyl. I don't know that. But if it is at all possible, I know it should not be a consideration of the Senate and obviously whatever the Senate's will I would abide by it, but it would be very helpful to me as a practical matter—there are these pesky little Presidential debates that intervene and there is one tomorrow in New Hampshire. If it accommodates the body I would be delighted to do it this evening, but if we could consider doing it at 10 o'clock in the morning, it would be very much appreciated by the Senator from Delaware—if that is possible.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, the situation the Senator has stated is under consideration by the leadership at this very moment and I am hopeful the body can be informed shortly with respect to the leaders' wishes with respect to time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2952, AS MODIFIED; 2870, 2917, 2973, 2095, 2975, 2951, 2978, 2956, 2932, 2979, 2943, 2982, 2981, 2158, 2977, 2962, 2950, 2969, 3021, 2920, 2929, 2197, 2290, 2936, 3007, 2995, 3029, 2980, 3023, 3024, 2963, 3030, AS MODIFIED; 3044, TO AMENDMENT NO. 2011, EN BLOC

Mr. LEVIN. Mr. President, I send a series of 34 amendments to the desk, which have been cleared by myself and the ranking member. Therefore, I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid on the table, and I ask that any statements relating to any of these individual amendments be printed in the RECORD.

Mr. WARNER. No objection.

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

The amendments were agreed to, as follows:

AMENDMENT NO. 2952, AS MODIFIED

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

SEC. 827. PROCUREMENT OF FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

(a) AUTHORITY TO PROCURE.—The Secretary of Defense may procure fire resistant rayon fiber for the production of uniforms that is manufactured in a foreign country referred to in subsection (d) if the Secretary determines either of the following:

(1) That fire resistant rayon fiber for the production of uniforms is not available from sources within the national technology and industrial base.

(2) That—

(A) procuring fire resistant rayon fiber manufactured from suppliers within the national technology and industrial base would result in sole-source contracts or subcontracts for the supply of fire resistant rayon fiber; and

(B) such sole-source contracts or subcontracts would not be in the best interests of the Government or consistent with the objectives of section 2304 of title 10, United States Code.

(b) SUBMISSION TO CONGRESS.—Not later than 30 days after making a determination under subsection (a), the Secretary shall submit to Congress a copy of the determination.

(c) APPLICABILITY TO SUBCONTRACTS.—The authority under subsection (a) applies with respect to subcontracts under Department of Defense contracts as well as to such contracts.

(d) FOREIGN COUNTRIES COVERED.—The authority under subsection (a) applies with respect to a foreign country that—

(1) is a party to a defense memorandum of understanding entered into under section 2531 of this title; and

(2) does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE DEFINED.—In this section, the term ''national technology and industrial base'' has the meaning given that term in section 2500 of title 10, United States Code.

(f) SUNSET.—The authority under subsection (a) shall expire on the date that is five years after the date of the enactment of this Act.

AMENDMENT NO. 2870

(Purpose: To require an annual report on cases reviewed by the National Committee for Employer Support of the Guard and Reserve)

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

SEC. 1044. ANNUAL REPORT ON CASES REVIEWED BY NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE.

Section 4332 of title 38, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7) respectively;

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

''(2) The number of cases reviewed by the Secretary of Defense under the National Committee for Employer Support of the Guard and Reserve of the Department of Defense during the fiscal year for which the report is made.''; and

(3) in paragraph (5), as so redesignated, by striking ''(2), or (3)'' and inserting ''(2), (3), or (4)''.

AMENDMENT NO. 2917

(Purpose: To extend and enhance the authority for temporary lodging expenses for members of the Armed Forces in areas subject to a major disaster declaration or for installations experiencing a sudden increase in personnel levels)

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

SEC. 604. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR TEMPORARY LODGING EXPENSES FOR MEMBERS OF THE ARMED FORCES IN AREAS SUBJECT TO MAJOR DISASTER DECLARATION OR FOR INSTALLATIONS EXPERIENCING SUDDEN INCREASE IN PERSONNEL LEVELS.

(a) MAXIMUM PERIOD OF RECEIPT OF EXPENSES.—Section 404a(c)(3) of title 37, United States Code, is amended by striking ''20 days'' and inserting ''60 days''.

(b) EXTENSION OF AUTHORITY FOR INCREASE IN CERTAIN BAH.—Section 403(b)(7)(E) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

AMENDMENT NO. 2973

(Purpose: To express the sense of Congress on the provision of equipment for the National Guard for the defense of the homeland)

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

SEC. 1070. SENSE OF CONGRESS ON EQUIPMENT FOR THE NATIONAL GUARD TO DEFEND THE HOMELAND.

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

(1) The Army National Guard and Air National Guard have played an increasing role in homeland security and a critical role in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) As a result of persistent underfunding of procurement, lower prioritization, and more recently the wars in Afghanistan and Iraq, the Army National Guard and Air National Guard face significant equipment shortfalls.

(3) The National Guard Bureau, in its February 26, 2007, report entitled ''National Guard Equipment Requirements'', outlines the ''Essential 10'' equipment needs to support the Army National Guard and Air National Guard in the performance of their domestic missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army National Guard and Air National Guard should have sufficient equipment available to accomplish their missions inside the United States and to protect the homeland.

AMENDMENT NO. 2095

(Purpose: To expedite the prompt return of the remains of deceased members of the Armed Forces to their loved ones for burial)

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

SEC. 656. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.

Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: ''When transportation of the remains includes transportation by aircraft, the Secretary concerned shall provide, to the maximum extent possible, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee or, if such a selection is not made, nearest to the cemetery selected by the Secretary.''.

AMENDMENT NO. 2975

(Purpose: to require a report on the status of the application of the Uniform Code of Military Justice during a time of war or contingency operation)

At the appropriate place insert:

The Secretary of Defense shall report within 60 days of enactment of this Act to House Armed Services Committee and the Senate Armed Services Committee on the status of implementing section 552 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (P.L. 109–364) related to the application of the Uniform Code of Military Justice to military contractors during a time of war or a contingency operation.

AMENDMENT NO. 2951

(Purpose: To require the Secretary of the Navy to make reasonable efforts to notify certain former residents and civilian employees at Camp Lejeune, North Carolina, of their potential exposure to certain drinking water contaminants)

At the end of title X, add the following:

SEC. 1070. NOTIFICATION OF CERTAIN RESIDENTS AND CIVILIAN EMPLOYEES AT CAMP LEJEUNE, NORTH CAROLINA, OF EXPOSURE TO DRINKING WATER CONTAMINATION.

(a) NOTIFICATION OF INDIVIDUALS SERVED BY TARAWA TERRACE WATER DISTRIBUTION SYSTEM, INCLUDING KNOX TRAILER PARK.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the Tarawa Terrace Water Distribution System, including Knox Trailer Park, at Camp Lejeune, North Carolina, during the years 1958 through 1987 that they may have been exposed to drinking water contaminated with tetrachloroethylene (PCE).

(b) NOTIFICATION OF INDIVIDUALS SERVED BY HADNOT POINT WATER DISTRIBUTION SYSTEM.—Not later than one year after the Agency for Toxic Substances and Disease Registry (ATSDR) completes its water modeling study of the Hadnot Point water distribution system, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the system during the period identified in the study of the drinking water contamination to which they may have been exposed.

(c) NOTIFICATION OF FORMER CIVILIAN EMPLOYEES AT CAMP LEJEUNE.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly civilian employees who worked at Camp Lejeune during the period identified in the ATSDR drinking water study of the drinking water contamination to which they may have been exposed.

(d) CIRCULATION OF HEALTH SURVEY.—

(1) FINDING.—Congress makes the following findings:

(A) Notification and survey efforts related to the drinking water contamination described in this section are necessary due to the potential negative health impacts of these contaminants.

(B) The Secretary of the Navy will not be able to identify or contact all former residents due to the condition, non-existence, or accessibility of records.

(C) It is the intent of Congress is that the Secretary of the Navy contact as many former residents as quickly as possible.

(2) ATSDR HEALTH SURVEY.—

(A) DEVELOPMENT.—Not later than 120 days after the date of the enactment of this Act, the ATSDR, in consultation with the National Opinion Research Center, shall develop a health survey that would voluntarily request of individuals described in subsections (a), (b), and (c) personal health information that may lead to scientifically useful health information associated with exposure to TCE, PCE, vinyl chloride, and the other contaminants identified in the ATSDR studies that may provide a basis for further reliable scientific studies of potentially adverse health impacts of exposure to contaminated water at Camp Lejeune.

(B) INCLUSION WITH NOTIFICATION.—The survey developed under subparagraph (A) shall be distributed by the Secretary of the Navy concurrently with the direct notification required under subsections (a), (b), and (c).

(e) USE OF MEDIA TO SUPPLEMENT NOTIFICATION.—The Secretary of the Navy may use media notification as a supplement to direct notification of individuals described under subsections (a), (b), and (c). Media notification may reach those individuals not identifiable via remaining records; once individuals respond to media notifications, the Secretary will add them to the contact list to be included in future information updates.

AMENDMENT NO. 2978

(Purpose: To require a report on housing privatization initiatives)

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON HOUSING PRIVATIZATION INITIATIVES.

(a) REPORT REQUIRED.—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 Committees on Armed Services of the Senate and the House of Representatives a report on housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

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

(1) A list of current housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(2) In each case in which a transaction is behind schedule or in default, a description of —

(A) the reasons for schedule delays, cost overruns, or default;

(B) how solicitations and competitions were conducted for the project;

(C) how financing, partnerships, legal arrangements, leases, or contracts in relation to the project were structured;

(D) which entities, including Federal entities, are bearing financial risk for the project, and to what extent;

(E) the remedies available to the Federal Government to restore the transaction to schedule or ensure completion of the terms of the transaction in question at the earliest possible time;

(F) the extent to which the Federal Government has the ability to affect the performance of various parties involved in the project;

(G) remedies available to subcontractors to recoup liens in the case of default, non-payment by the developer or other party to the transaction or lease agreement, or re-structuring;

(H) remedies available to the Federal Government to affect receivership actions or transfer of ownership of the project; and

(I) names of the developers for the project and any history of previous defaults or bankruptcies by these developers or their affiliates.

(3) In each case in which a project is behind schedule or in default, recommendations regarding the opportunities for the Federal Government to ensure that all terms of the transaction are completed according to the original schedule and budget.

AMENDMENT NO. 2956

(Purpose: To express the sense of the Senate on use by the Air Force of towbarless aircraft ground equipment)

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

SEC. 1070. SENSE OF SENATE ON AIR FORCE USE OF TOWBARLESS AIRCRAFT GROUND EQUIPMENT.

It is the sense of the Senate to encourage the Air Force to give full consideration to the potential operational utility, cost savings, and increased safety afforded by the utilization of towbarless aircraft ground equipment.

AMENDMENT NO. 2932

(Purpose: To provide for the provision of contact information on separating members of the Armed Forces to the veterans department or agency of the State in which such members intend to reside after separation)

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

SEC. 1031. PROVISION OF CONTACT INFORMATION ON SEPARATING MEMBERS OF THE ARMED FORCES TO STATE VETERANS AGENCIES.

For each member of the Armed Forces pending separation from the Armed Forces or who detaches from the member's regular unit while awaiting medical separation or retirement, not later than the date of such separation or detachment, as the case may be, the Secretary of Defense shall, upon the request of the member, provide the address and other appropriate contact information of the member to the State veterans agency in the State in which the member will first reside after separation or in the State in which the member resides while so awaiting medical separation or retirement, as the case may be.

AMENDMENT NO. 2979

(Purpose: To express the sense of Congress on the future use of synthetic fuels in military systems)

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

SEC. 358. SENSE OF CONGRESS ON FUTURE USE OF SYNTHETIC FUELS IN MILITARY SYSTEMS.

It is the sense of Congress to encourage the Department of Defense to continue and accelerate, as appropriate, the testing and certification of synthetic fuels for use in all military air, ground, and sea systems.

AMENDMENT NO. 2943

(Purpose: To require a report on the workforce required to support the nuclear missions of the Navy and the Department of Energy)

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

SEC. 1044. REPORT ON WORKFORCE REQUIRED TO SUPPORT THE NUCLEAR MISSIONS OF THE NAVY AND THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall each submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report.

(b) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

AMENDMENT NO. 2982

(Purpose: To authorize the establishment of special reimbursement rates for the provision of mental health care services under the TRICARE program)

At the end of title VII, add the following:

SEC. 703. AUTHORITY FOR SPECIAL REIMBURSEMENT RATES FOR MENTAL HEALTH CARE SERVICES UNDER THE TRICARE PROGRAM.

(a) AUTHORITY.—Section 1079(h)(5) of title 10, United States Code, is amended in the first sentence by inserting '', including mental health care services,'' after ''health care services''.

(b) REPORT ON ACCESS TO MENTAL HEALTH CARE SERVICES.—Not later than one year 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 on the adequacy of access to mental health services under the TRICARE program, including in the geographic areas where surveys on the continued viability of TRICARE Standard and TRICARE Extra are conducted under section 702 of this Act.

AMENDMENT NO. 2981

(Purpose: To require an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration)

On page 530, between lines 10 and 11, insert the following:

SEC. 3126. EVALUATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION STRATEGIC PLAN FOR ADVANCED COMPUTING.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) enter into an agreement with an independent entity to conduct an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration; and

(2) not later than 180 days after the date of the enactment of this Act, submit to the congressional defense committees a report containing the results of evaluation described in paragraph (1).

(b) ELEMENTS.—The evaluation described in subsection (a)(1) shall include the following:

(1) An assessment of—

(A) the role of research into, and development of, high-performance computing supported by the National Nuclear Security Administration in maintaining the leadership of the United States in high-performance computing; and

(B) any impact of reduced investment by the National Nuclear Security Administration in such research and development.

(2) An assessment of the ability of the National Nuclear Security Administration to utilize the high-performance computing capability of the Department of Energy and National Nuclear Security Administration national laboratories to support the Stockpile Stewardship Program and nonweapons modeling and calculations.

(3) An assessment of the effectiveness of the Department of Energy and the National Nuclear Security Administration in sharing high-performance computing developments with private industry and capitalizing on innovations in private industry in high-performance computing.

(4) A description of the strategy of the Department of Energy for developing an extaflop computing capability.

(5) An assessment of the efforts of the Department of Energy to—

(A) coordinate high-performance computing work within the Department, in particular among the Office of Science, the National Nuclear Security Administration, and the Office of Energy Efficiency and Renewable Energy; and

(B) develop joint strategies with other Federal Government agencies and private industry groups for the development of high-performance computing.

AMENDMENT NO. 2158

(Purpose: To ensure the eligibility of certain heavily impacted local educational agencies for impact aid payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 for fiscal year 2008 and succeeding fiscal years)

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

SECTION 565. HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—For fiscal year 2008 and each succeeding fiscal year, the Secretary of Education shall—

(1) deem each local educational agency that was eligible to receive a fiscal year 2007 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) as eligible to receive a basic support payment for heavily impacted local educational agencies under such section for the fiscal year for which the determination is made under this subsection; and

(2) make a payment to such local educational agency under such section for such fiscal year.

(b) EFFECTIVE DATES.—Subsection (a) shall remain in effect until the date that a Federal statute is enacted authorizing the appropriations for, or duration of, any program under title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) for fiscal year 2008 or any succeeding fiscal year.

AMENDMENT NO. 2977

(Purpose: To provide for physician and health care professional comparability allowances to improve and enhance the recruitment and retention of medical and health care personnel for the Department of Defense)

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

SEC. 937. PHYSICIANS AND HEALTH CARE PROFESSIONALS COMPARABILITY ALLOWANCES.

(a) AUTHORITY TO PROVIDE ALLOWANCES.—

(1) AUTHORITY.—In order to recruit and retain highly qualified Department of Defense physicians and Department of Defense health care professionals, the Secretary of Defense may, subject to the provisions of this section, enter into a service agreement with a current or new Department of Defense physician or a Department of Defense health care professional which provides for such physician or health care professional to complete a specified period of service in the Department of Defense in return for an allowance for the duration of such agreement in an amount to be determined by the Secretary and specified in the agreement, but not to exceed—

(A) in the case of a Department of Defense physician—

(i) $25,000 per annum if, at the time the agreement is entered into, the Department of Defense physician has served as a Department of Defense physician for 24 months or less; or

(ii) $40,000 per annum if the Department of Defense physician has served as a Department of Defense physician for more than 24 months; and

(B) in the case of a Department of Defense health care professional—

(i) an amount up to $5,000 per annum if, at the time the agreement is entered into, the

Department of Defense health care professional has served as a Department of Defense health care professional for less than 10 years;

(ii) an amount up to $10,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for at least 10 years but less than 18 years; or

(iii) an amount up to $15,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for 18 years or more.

(2) TREATMENT OF CERTAIN SERVICE.—(A) For the purpose of determining length of service as a Department of Defense physician, service as a physician under section 4104 or 4114 of title 38, United States Code, or active service as a medical officer in the commissioned corps of the Public Health Service under title II of the Public Health Service Act (42 U.S.C. 202 et seq.) shall be deemed service as a Department of Defense physician.

(B) For the purpose of determining length of service as a Department of Defense health care professional, service as a nonphysician health care provider, psychologist, or social worker while serving as an officer described under section 302c(d)(1) of title 37, United States Code, shall be deemed service as a Department of Defense health care professional.

(b) CERTAIN PHYSICIANS AND PROFESSIONALS INELIGIBLE.—An allowance may not be paid under this section to any physician or health care professional who—

(1) is employed on less than a half-time or intermittent basis;

(2) occupies an internship or residency training position; or

(3) is fulfilling a scholarship obligation.

(c) COVERED CATEGORIES OF POSITIONS.—The Secretary of Defense shall determine categories of positions applicable to physicians and health care professionals within the Department of Defense with respect to which there is a significant recruitment and retention problem for purposes of this section. Only physicians and health care professionals serving in such positions shall be eligible for an allowance under this section. The amounts of each such allowance shall be determined by the Secretary, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians and health care professionals.

(d) PERIOD OF SERVICE.—Any agreement entered into by a physician or health care professional under this section shall be for a period of service in the Department of Defense specified in such agreement, which period may not be less than one year of service or exceed four years of service.

(e) REPAYMENT.—Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the physician or health care professional, in the event that such physician or health care professional voluntarily, or because of misconduct, fails to complete at least one year of service under such agreement, shall be required to refund the total amount received under this section unless the Secretary of Defense determines that such failure is necessitated by circumstances beyond the control of the physician or health care professional.

(f) TERMINATION OF AGREEMENT.—Any agreement under this section shall specify the terms under which the Secretary of Defense and the physician or health care professional may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician or health care professional for each reason for termination.

(g) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) ALLOWANCE NOT TREATABLE AS BASIC PAY.—An allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55 of title 5, United States Code, chapter 81 or 87 of such title, or other benefits related to basic pay.

(2) PAYMENT.—Any allowance under this section for a Department of Defense physician or Department of Defense health care professional shall be paid in the same manner and at the same time as the basic pay of the physician or health care professional is paid.

(3) CONSTRUCTION WITH CERTAIN AUTHORITY.—The authority to pay allowances under this section may not be exercised together with the authority in section 5948 of title 5, United States Code.

(h) ANNUAL REPORT.—

(1) ANNUAL REPORT.—Not later than June 30 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a written report on the operation of this section during the preceding year. Each report shall include—

(A) with respect to the year covered by such report, information as to—

(i) the nature and extent of the recruitment or retention problems justifying the use by the Department of Defense of the authority under this section;

(ii) the number of physicians and health care professionals with whom agreements were entered into by the Department of Defense;

(iii) the size of the allowances and the duration of the agreements entered into; and

(iv) the degree to which the recruitment or retention problems referred to in clause (i) were alleviated under this section; and

(B) such recommendations as the Secretary considers appropriate for actions (including legislative actions) to improve or enhance the authorities in this section to achieve the purpose specified in subsection (a)(1).

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

(A) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Armed Services and Homeland Security of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) The term ''Department of Defense health care professional'' means any individual employed by the Department of Defense who is a qualified health care professional employed as a health care professional and paid under any provision of law specified in subparagraphs (A) through (G) of paragraph (2).

(2) The term ''Department of Defense physician'' means any individual employed by the Department of Defense as a physician or dentist who is paid under a provision or provisions of law as follows:

(A) Section 5332 of title 5, United States Code, relating to the General Schedule.

(B) Subchapter VIII of chapter 53 of title 5, United States Code, relating to the Senior Executive Service.

(C) Section 5371 of title 5, United States Code, relating to certain health care positions.

(D) Section 5376 of title 5, United States Code, relating to certain senior-level positions.

(E) Section 5377 of title 5, United States Code, relating to critical positions.

(F) Subchapter IX of chapter 53 of title 5, United States Code, relating to special occupational pay systems.

(G) Section 9902 of title 5, United States Code, relating to the National Security Personnel System.

(3) The term ''qualified health care professional'' means any individual who is—

(A) a psychologist who meets the Office of Personnel Management Qualification Standards for the Occupational Series of Psychologist as required by the position to be filled;

(B) a nurse who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(C) a nurse anesthetist who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(D) a physician assistant who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Physician Assistant as required by the position to be filled;

(E) a social worker who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Social Worker as required by the position to be filled; or

(F) any other health care professional designated by the Secretary of Defense for purposes of this section.

(j) TERMINATION.—No agreement may be entered into under this section after September 30, 2012.

AMENDMENT NO. 2962

(Purpose: To implement the recommendations of the Department of Defense Task Force on Mental Health)

On page 175, between lines 10 and 11, insert the following:

SEC. 703. IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.

(a) IN GENERAL.—As soon as practicable, but not later than May 31, 2008, the Secretary of Defense shall implement the recommendations of the Department of Defense Task Force on Mental Health developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.

(b) IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement the following recommendations of the Department of Defense Task Force on Mental Health:

(1) The implementation of a comprehensive public education campaign to reduce the stigma associated with mental health problems.

(2) The appointment of a psychological director of health for each military department, each military treatment facility, the National Guard, and the Reserve Component, and the establishment of a psychological health council.

(3) The establishment of a center of excellence for the study of psychological health.

(4) The enhancement of TRICARE benefits and care for mental health problems.

(5) The implementation of an annual psychological health assessment addressing cognition, psychological functioning, and overall psychological readiness for each member of the Armed Forces, including members of the National Guard and Reserve Component.

(6) The development of a model for allocating resources to military mental health facilities, and services embedded in line

units, based on an assessment of the needs of and risks faced by the populations served by such facilities and services.

(7) The issuance of a policy directive to ensure that each military department carefully assesses the history of occupational exposure to conditions potentially resulting in post-traumatic stress disorder, traumatic brain injury, or related diagnoses in members of the Armed Forces facing administrative or medical discharge.

(8) The maintenance of adequate family support programs for families of deployed members of the Armed Forces.

(c) RECOMMENDATIONS REQUIRING LEGISLATIVE ACTION.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any legislative action required to implement the recommendations of the Department of Defense Mental Health Task Force.

(d) RECOMMENDATIONS TO BE NOT IMPLEMENTED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any recommendations of the Department of Defense Mental Health Task Force the Secretary of Defense has determined not to implement.

(e) PROGRESS REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter until the date described in paragraph (2), the Secretary shall submit to the congressional defense committees a report on the status of the implementation of the recommendations of the Department of Defense Mental Health Task Force.

(2) DATE DESCRIBED.—The date described in this paragraph is the date on which all recommendations of the Department of Defense Mental Health Task Force have been implemented other than the recommendations the Secretary has determined pursuant to subsection (d) not to implement.

AMENDMENT NO. 2950

(Purpose: To require a study and report on the feasibility of including additional elements in the pilot program utilizing an electronic clearinghouse for support of the disability evaluation system of the Department of Defense)

At the end of title II, add the following:

SEC. 256. STUDY AND REPORT ON STANDARD SOLDIER PATIENT TRACKING SYSTEM.

(a) STUDY REQUIRED.—In conjunction with the development of the pilot program utilizing an electronic clearinghouse for support of the disability evaluation system of the Department of Defense authorized under this Act, the Secretary of Defense shall conduct a study on the feasibility of including in the required pilot program the following additional elements:

(1) A means to allow each recovering service member, each family member of such a member, each commander of a military installation retaining medical holdover patients, each patient navigator, and ombudsman office personnel, at all times, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.

(2) A means to ensure that the commander of each military medical facility where recovering service members are located is able to track appointments of such members to ensure they are meeting timeliness and other standards that serve the member.

(3) A means to ensure each recovering service member is able to know when his or her appointments and other medical evaluation board or physical evaluation board deadlines will be and that they have been scheduled in a timely and accurate manner.

(4) Any other information needed to conduct oversight of care of the member through out the medical holdover process.

(5) Information that will allow the Secretaries of the military departments and the Under Secretary of Defense for Personnel and Readiness to monitor trends and problems.

(b) REPORT.—Not later than 90 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 on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

AMENDMENT NO. 2969

(Purpose: To provide for the establishment of a Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries)

At the end of title VII, add the following:

SEC. 703. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—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 Military Eye Injuries

''(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 military eye injuries 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 Military Eye Injuries'.

''(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable 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.—(1) The Center shall—

''(A) develop, implement, and oversee a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury incurred by a member of the armed forces in combat that requires surgery or other operative intervention; and

''(B) ensure the electronic exchange with Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A).

''(2) The registry under this subsection shall be known as the 'Military Eye Injury Registry'.

''(3) The Center shall develop the Registry in consultation with the ophthalmological specialist personnel and optometric specialist personnel of the Department of Defense. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other eye injuries.

''(4) The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the Center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury described in that paragraph as follows (to the extent applicable):

''(A) Not later than 72 hours after surgery or other operative intervention.

''(B) Any clinical or other operative intervention done within 30 days, 60 days, or 120 days after surgery or other operative intervention as a result of a follow-up examination.

''(C) Not later than 180 days after surgery or other operative intervention.

''(5)(A) The Center shall provide notice to the Blind Service or Low Vision Optometry Service, as applicable, of the Department of Veterans Affairs on each member of the armed forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of visual rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the armed forces.

''(B) A member of the armed forces described in this subparagraph is a member of the armed forces as follows:

''(i) A member with an eye injury incurred in combat who has a visual acuity of 20/200 or less in either eye.

''(ii) A member with an eye injury incurred in combat who has a loss of peripheral vision of twenty degrees or less.

''(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Military Eye Injury Registry is available to appropriate ophthalmological and optometric personnel of the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on eye injuries incurred by members of the armed forces in combat.''.

(2) 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 item:

''1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries.''.

(b) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Military Eye Injury Registry established under section 1105a of title 10, United States Code (as added by subsection (a)), such records of members of the Armed Forces who incurred an eye injury in combat in Operation Iraqi Freedom or Operation Enduring Freedom before the establishment of the Registry as the Secretary considers appropriate for purposes of the Registry.

(c) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added), including the progress made in established the Military Eye Injury Registry required under that section.

(d) TRAUMATIC BRAIN INJURY POST TRAUMATIC VISUAL SYNDROME.—In carrying out the program at Walter Reed Army Medical Center, District of Columbia, on Traumatic Brain Injury Post Traumatic Visual Syndrome, the Secretary of Defense and the Department of Veterans Affairs shall jointly provide for the conduct of a cooperative study on neuro-optometric screening and diagnosis of members of the Armed Forces with Traumatic Brain Injury by military medical treatment facilities of the Department of Defense and medical centers of the Department of Veterans Affairs selected for purposes of this subsection for purposes of vision screening, diagnosis, rehabilitative management, and vision research on visual

dysfunction related to Traumatic Brain Injury.

(e) FUNDING.—Of the amounts available for Defense Health Program, $5,000,000 may be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added).

AMENDMENT NO. 3021

(Purpose: To require a Comptroller General report on actions by the Defense Finance and Accounting Service in response to the decision in Butterbaugh v. Department of Justice)

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

SEC. 1044. COMPTROLLER GENERAL REPORT ON DEFENSE FINANCE AND ACCOUNTING SERVICE RESPONSE TO BUTTERBAUGH V. DEPARTMENT OF JUSTICE.

(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 congressional defense committees a report setting forth an assessment by the Comptroller General of the response of the Defense Finance and Accounting Service to the decision in Butterbaugh v. Department of Justice (336 F.3d 1332 (2003)).

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

(1) An estimate of the number of members of the reserve components of the Armed Forces, both past and present, who are entitled to compensation under the decision in Butterbaugh v. Department of Justice.

(2) An assessment of the current policies, procedures, and timeliness of the Defense Finance and Accounting Service in implementing and resolving claims under the decision in Butterbaugh v. Department of Justice.

(3) An assessment whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice follow a consistent pattern of resolution.

(4) An assessment of whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice are resolving claims by providing more compensation than an individual has been able to prove, under the rule of construction that laws providing benefits to veterans are liberally construed in favor of the veteran.

(5) An estimate of the total amount of compensation payable to members of the reserve components of the Armed Forces, both past and present, as a result of the recent decision in Hernandez v. Department of the Air Force (No. 2006–3375, slip op.) that leave can be reimbursed for Reserve service before 1994, when Congress enacted chapter 43 of title 38, United States Code (commonly referred to as the ''Uniformed Services Employment and Reemployment Rights Act'').

(6) A comparative assessment of the handling of claims by the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the handling of claims by other Federal agencies (selected by the Comptroller General for purposes of the comparative assessment) under that decision.

(7) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been adjudicated by the Defense Finance and Accounting Service.

(8) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been denied by the Defense Finance and Accounting Service.

(9) A comparative assessment of the average amount of time required for the Defense Finance and Accounting Service to resolve a claim under the decision in Butterbaugh v. Department of Justice with the average amount of time required by other Federal agencies (as so selected) to resolve a claim under that decision.

(10) A comparative statement of the backlog of claims with the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the backlog of claims of other Federal agencies (as so selected) under that decision.

(11) An estimate of the amount of time required for the Defense Finance and Accounting Service to resolve all outstanding claims under the decision in Butterbaugh v. Department of Justice.

(12) An assessment of the reasonableness of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice.

(13) A comparative assessment of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice with the requirement of other Federal agencies (as so selected) for the submittal by such members of supporting documentation for such claims.

(14) Such recommendations for legislative action as the Comptroller General considers appropriate in light of the decision in Butterbaugh v. Department of Justice and the decision in Hernandez v. Department of the Air Force.

AMENDMENT NO. 2920

(Purpose: To require a report on the Pinon Canyon Maneuver Site, Colorado)

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON THE PINON CANYON MANEUVER SITE, COLORADO.

(a) REPORT ON THE PINON CANYON MANEUVER SITE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Pinon Canyon Maneuver Site (referred to in this section as ''the Site'').

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

(A) An analysis of whether existing training facilities at Fort Carson, Colorado, and the Site are sufficient to support the training needs of units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of any new training requirements or significant developments affecting training requirements for units stationed or planned to be stationed at Fort Carson since the 2005 Defense Base Closure and Realignment Commission found that the base has ''sufficient capacity'' to support four brigade combat teams and associated support units at Fort Carson.

(ii) A study of alternatives for enhancing training facilities at Fort Carson and the Site within their current geographic footprint, including whether these additional investments or measures could support additional training activities.

(iii) A description of the current training calendar and training load at the Site, including—

(I) the number of brigade-sized and battalion-sized military exercises held at the Site since its establishment;

(II) an analysis of the maximum annual training load at the Site, without expanding the Site; and

(III) an analysis of the training load and projected training calendar at the Site when all brigades stationed or planned to be stationed at Fort Carson are at home station.

(B) A report of need for any proposed addition of training land to support units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of additional training activities, and their benefits to operational readiness, which would be conducted by units stationed at Fort Carson if, through leases or acquisition from consenting landowners, the Site were expanded to include—

(I) the parcel of land identified as ''Area A'' in the Potential PCMS Land expansion map;

(II) the parcel of land identified as ''Area B'' in the Potential PCMS Land expansion map;

(III) the parcels of land identified as ''Area A'' and ''Area B'' in the Potential PCMS Land expansion map;

(IV) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a heavy infantry brigade at the Site;

(V) acreage sufficient to allow simultaneous exercises of two heavy infantry brigades at the Site;

(VI) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a battalion at the Site; and

(VII) acreage sufficient to allow simultaneous exercises of a heavy infantry brigade and a battalion at the Site.

(ii) An analysis of alternatives for acquiring or utilizing training land at other installations in the United States to support training activities of units stationed at Fort Carson.

(iii) An analysis of alternatives for utilizing other federally owned land to support training activities of units stationed at Fort Carson.

(C) An analysis of alternatives for enhancing economic development opportunities in southeastern Colorado at the current Site or through any proposed expansion, including the consideration of the following alternatives:

(i) The leasing of land on the Site or any expansion of the Site to ranchers for grazing.

(ii) The leasing of land from private landowners for training.

(iii) The procurement of additional services and goods, including biofuels and beef, from local businesses.

(iv) The creation of an economic development fund to benefit communities, local governments, and businesses in southeastern Colorado.

(v) The establishment of an outreach office to provide technical assistance to local businesses that wish to bid on Department of Defense contracts.

(vi) The establishment of partnerships with local governments and organizations to expand regional tourism through expanded access to sites of historic, cultural, and environmental interest on the Site.

(vii) An acquisition policy that allows willing sellers to minimize the tax impact of a sale.

(viii) Additional investments in Army missions and personnel, such as stationing an active duty unit at the Site, including—

(I) an analysis of anticipated operational benefits; and

(II) an analysis of economic impacts to surrounding communities.

(3) POTENTIAL PCMS LAND EXPANSION MAP DEFINED.—In this subsection, the term ''Potential PCMS Land expansion map'' means the June 2007 map entitled ''Potential PCMS Land expansion''.

(b) COMPTROLLER GENERAL REVIEW OF REPORT.—Not later than 180 days after the Secretary of Defense submits the report required under subsection (a), the Comptroller General of the United States shall submit to Congress a review of the report and of the justification of the Army for expansion at the Site.

(c) PUBLIC COMMENT.—After the report required under subsection (b) is submitted to Congress, the Army shall solicit public comment on the report for a period of not less than 90 days. Not later than 30 days after the public comment period has closed, the Secretary shall submit to Congress a written summary of comments received.

AMENDMENT NO. 2929

(Purpose: To require a report assessing the facilities and operations of the Darnall Army Medical Center at Fort Hood Military Reservation, Texas)

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

SEC. 1044. REPORT ON FACILITIES AND OPERATIONS OF DARNALL ARMY MEDICAL CENTER, FORT HOOD MILITARY RESERVATION, TEXAS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the facilities and operations of the Darnall Army Medical Center at Fort Hood Military Reservation, Texas.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A specific determination of whether the facilities currently housing Darnall Army Medical Center meet Department of Defense standards for Army medical centers.

(2) A specific determination of whether the existing facilities adequately support the operations of Darnall Army Medical Center, including the missions of medical treatment, medical hold, medical holdover, and Warriors in Transition.

(3) A specific determination of whether the existing facilities provide adequate physical space for the number of personnel that would be required for Darnall Army Medical Center to function as a full-sized Army medical center.

(4) A specific determination of whether the current levels of medical and medical-related personnel at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(5) A specific determination of whether the current levels of graduate medical education and medical residency programs currently in place at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(6) A description of any and all deficiencies identified by the Secretary.

(7) A proposed investment plan and timeline to correct such deficiencies.

AMENDMENT NO. 2197

(Purpose: To lift the moratorium on improvements at Fort Buchanan, Puerto Rico)

At the end of title XXVIII, add the following:

SEC. 2864. REPEAL OF MORATORIUM ON IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.

Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–355) is repealed.

AMENDMENT NO. 2290

(Purpose: To require a report on funding of the Department of Defense for health care in the budget of the President in any fiscal year in which the Armed Forces are engaged in a major military conflict)

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

SEC. 1008. REPORT ON FUNDING OF THE DEPARTMENT OF DEFENSE FOR HEALTH CARE FOR ANY FISCAL YEAR IN WHICH THE ARMED FORCES ARE ENGAGED IN A MAJOR MILITARY CONFLICT.

If the Armed Forces are involved in a major military conflict when the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and the aggregate amount included in that budget for the Department of Defense for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department for health care for such preceding fiscal year, and, in the case of the Department, the total allocation from the Defense Health Program to any military department is less than the total such allocation in the preceding fiscal year, the President shall submit to Congress a report on—

(1) the reasons for the determination that inclusion of a lesser aggregate amount or allocation to any military department is in the national interest; and

(2) the anticipated effects of the inclusion of such lesser aggregate amount or allocation to any military department on the access to and delivery of medical and support services to members of the Armed Forces and their family members.

AMENDMENT NO. 2936

(Purpose: To designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center'')

On page 354, after line 24, add the following:

SEC. 1070. DESIGNATION OF CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

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

(1) Charlie Norwood volunteered for service in the United States Army Dental Corps in a time of war, providing dental and medical services in the Republic of Vietnam in 1968, earning the Combat Medical Badge and two awards of the Bronze Star.

(2) Captain Norwood, under combat conditions, helped develop the Dental Corps operating procedures, that are now standard, of delivering dentists to forward-fire bases, and providing dental treatment for military service dogs.

(3) Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war.

(4) Dr. Norwood provided military dental care at Fort Gordon, Georgia, following his service in Vietnam, then provided private-practice dental care for the next 25 years for patients in the greater Augusta, Georgia, area, including care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid.

(5) Congressman Norwood, upon being sworn into the United States House of Representatives in 1995, pursued the advancement of health and dental care for active duty and retired military personnel and dependents, and for veterans, through his public advocacy for strengthened Federal support for military and veterans' health care programs and facilities.

(6) Congressman Norwood co-authored and helped pass into law the Keep our Promises to America's Military Retirees Act, which restored lifetime healthcare benefits to veterans who are military retirees through the creation of the Department of Defense TRICARE for Life Program.

(7) Congressman Norwood supported and helped pass into law the Retired Pay Restoration Act providing relief from the concurrent receipt rule penalizing disabled veterans who were also military retirees.

(8) Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia, and succeeded in maintaining and increasing Federal funding for the center.

(9) Congressman Norwood maintained a life membership in the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars.

(10) Congressman Norwood's role in protecting and improving military and veteran's health care was recognized by the Association of the United States Army through the presentation of the Cocklin Award in 1998, and through his induction into the Association's Audie Murphy Society in 1999.

(b) DESIGNATION.—

(1) IN GENERAL.—The Department of Veterans Affairs Medical Center located at 1 Freedom Way in Augusta, Georgia, shall after the date of the enactment of this Act be known and designated as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

(2) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in paragraph (1) shall be considered to be a reference to the Charlie Norwood Department of Veterans Affairs Medical Center.

AMENDMENT NO. 3007

(Purpose: To clarify the requirement for military construction authorization and the definition of military construction)

On page 491, between lines 8 and 9, insert the following:

SEC. 2818. CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION OF MILITARY CONSTRUCTION.

(a) CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION.—Section 2802(a) of title 10, United States Code, is amended by inserting after ''military construction projects'' the following: '', land acquisitions, and defense access road projects (as described under section 210 of title 23)''.

(b) CLARIFICATION OF DEFINITION.—Section 2801(a) of such title is amended by inserting after ''permanent requirements'' the following: '', or any acquisition of land or construction of a defense access road (as described in section 210 of title 23)''.

AMENDMENT NO. 2995

(Purpose: To require a report on the plans of the Secretary of the Army and the Secretary of Veterans Affairs to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia)

On page 326, between lines 17 and 18, insert the following:

SEC. 1044. REPORT ON PLANS TO REPLACE THE MONUMENT AT THE TOMB OF THE UNKNOWNS AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the following:

(1) The current plans of the Secretaries with respect to—

(A) replacing the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia; and

(B) disposing of the current monument at the Tomb of the Unknowns, if it were removed and replaced.

(2) An assessment of the feasibility and advisability of repairing the monument at the Tomb of the Unknowns rather than replacing it.

(3) A description of the current efforts of the Secretaries to maintain and preserve the monument at the Tomb of the Unknowns.

(4) An explanation of why no attempt has been made since 1989 to repair the monument at the Tomb of the Unknowns.

(5) A comprehensive estimate of the cost of replacement of the monument at the Tomb of the Unknowns and the cost of repairing such monument.

(6) An assessment of the structural integrity of the monument at the Tomb of the Unknowns.

(b) LIMITATION ON ACTION.—The Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of the receipt by Congress of the report required by subsection (a).

(c) EXCEPTION.—The limitation in subsection (b) shall not prevent the Secretary of the Army or the Secretary of Veterans Affairs from repairing the current monument at the Tomb of the Unknowns or from acquiring any blocks of marble for uses related to such monument, subject to the availability of appropriations for that purposes.

AMENDMENT NO. 3029

(Purpose: To require a comprehensive review of safety measures and encroachment issues at Warren Grove Gunnery Range, New Jersey)

At the end of title III, add the following:

SEC. 358. REPORTS ON SAFETY MEASURES AND ENCROACHMENT ISSUES AT WARREN GROVE GUNNERY RANGE, NEW JERSEY.

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

(1) The United States Air Force has 32 training sites in the United States for aerial bombing and gunner training, of which Warren Grove Gunnery Range functions in the densely populated Northeast.

(2) A number of dangerous safety incidents caused by the Air National Guard have repeatedly impacted the residents of New Jersey, including the following:

(A) On May 15, 2007, a fire ignited during an Air National Guard practice mission at Warren Grove Gunnery Range, scorching 17,250 acres of New Jersey's Pinelands, destroying 5 houses, significantly damaging 13 others, and temporarily displacing approximately 6,000 people from their homes in sections of Ocean and Burlington Counties.

(B) In November 2004, an F–16 Vulcan cannon piloted by the District of Columbia Air National Guard was more than 3 miles off target when it blasted 1.5-inch steel training rounds into the roof of the Little Egg Harbor Township Intermediate School.

(C) In 2002, a pilot ejected from an F–16 aircraft just before it crashed into the woods near the Garden State Parkway, sending large pieces of debris onto the busy highway.

(D) In 1999, a dummy bomb was dumped a mile off target from the Warren Grove target range in the Pine Barrens, igniting a fire that burned 12,000 acres of the Pinelands forest.

(E) In 1997, the pilots of F–16 aircraft uplifting from the Warren Grove Gunnery Range escaped injury by ejecting from their aircraft just before the planes collided over the ocean near the north end of Brigantine. Pilot error was found to be the cause of the collision.

(F) In 1986, a New Jersey Air National Guard jet fighter crashed in a remote section of the Pine Barrens in Burlington County, starting a fire that scorched at least 90 acres of woodland.

(b) ANNUAL REPORT ON SAFETY MEASURES.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for two years, the Secretary of the Air Force shall submit to the congressional defense committees a report on efforts made to provide the highest level of safety by all of the military departments utilizing the Warren Grove Gunnery Range.

(c) STUDY ON ENCROACHMENT AT WARREN GROVE GUNNERY RANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a study on encroachment issues at Warren Grove Gunnery Range.

(2) CONTENT.—The study required under paragraph (1) shall include a master plan for the Warren Grove Gunnery Range and the surrounding community, taking into consideration military mission, land use plans, urban encroachment, the economy of the region, and protection of the environment and public health, safety, and welfare.

(3) REQUIRED INPUT.—The study required under paragraph (1) shall include input from all affected parties and relevant stakeholders at the Federal, State, and local level.

AMENDMENT NO. 2980

(Purpose: To require a report on the establishment of a scholarship program for civilian mental health professionals)

At the end of title VII, add the following:

SEC. 703. REPORT ON ESTABLISHMENT OF A SCHOLARSHIP PROGRAM FOR CIVILIAN MENTAL HEALTH PROFESSIONALS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Assistant Secretary of Defense for Health Affairs and each of the Surgeons General of the Armed Forces, shall submit to Congress a report on the feasibility and advisability of establishing a scholarship program for civilian mental health professionals.

(b) ELEMENTS.—The report shall include the following:

(1) An assessment of a potential scholarship program that provides certain educational funding to students seeking a career in mental health services in exchange for service in the Department of Defense.

(2) An assessment of current scholarship programs which may be expanded to include mental health professionals.

(3) Recommendations regarding the establishment or expansion of scholarship programs for mental health professionals.

(4) A plan to implement, or reasons for not implementing, recommendations that will increase mental health staffing across the Department of Defense.

AMENDMENT NO. 3023

(Purpose: To improve the Commercialization Pilot Program for defense contracts)

At the end of title X, add the following:

SEC. 10___. COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1), by adding at the end the following: ''The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other SBIR program that enhances the insertion or transition of SBIR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).'';

(2) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for transitioning Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR projects.

''(6) GOAL FOR SBIR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2008, or create new incentives, to encourage prime contractors to meet the goal under subparagraph (A); and

''(C) submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an annual report regarding the percentage of contracts described in subparagraph (A) awarded by that Secretary.''; and

(4) in paragraph (8), as so redesignated, by striking ''fiscal year 2009'' and inserting ''fiscal year 2012''.

AMENDMENT NO. 3024

(Purpose: To improve small business programs for veterans, and for other purposes)

(The amendment (No. 3024) is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 2963

(Purpose: To authorize the Secretary of the Army to use land under the control of the State of Louisiana adjacent to, or in the vicinity of the Baton Rouge airport, Baton Rouge, Louisiana for the purpose of siting an Army Reserve Center and Navy-Marine Corps Reserve Center)

At the end of title XXVI, add the following:

SEC. 2611. RELOCATION OF UNITS FROM ROBERTS UNITED STATES ARMY RESERVE CENTER AND NAVY-MARINE CORPS RESERVE CENTER, BATON ROUGE, LOUISIANA.

For the purpose of siting an Army Reserve Center and Navy-Marine Corps Reserve Center for which funds are authorized to be appropriated in this Act in Baton Rouge, Louisiana, the Secretary of the Army may use land under the control of the State of Louisiana adjacent to, or in the vicinity of the Baton Rouge airport, Baton Rouge, Louisiana at a location determined by the Secretary to be in the best interest of national security and in the public interest.

AMENDMENT NO. 3030, AS MODIFIED

On page 510, strike lines 1 through 7 and insert in lieu thereof the following:

SEC. 2862. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking ''that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath'' and inserting ''that are beneath''; and

(2) by adding at the end the following new subsection:

''(e) SUNSET DATE.—This section shall expire on October 1, 2013.''.

AMENDMENT NO. 3044

(Purpose: To prohibit the use of earmarks for awarding no-bid contracts and non-competitive grants)

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

SEC. 827. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense to implement new programs or projects pursuant to congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract may be awarded by the Department of Defense to implement a new program or project pursuant to a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project pursuant to a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(i) cannot be implemented without a waiver; and

(ii) will help meet important national defense needs.

(B) CONGRESSIONAL NOTIFICATION.—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress and the Committees on Armed Services of the Senate and the House of Representatives.

(4) CONTRACTING AUTHORITY.—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract, grant, or cooperative agreement awarded to implement a new program or project pursuant to a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) CONGRESSIONAL INITIATIVE DEFINED.—In this section, the term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

Mr. LEVIN. I suggest the absence of a quorum.

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

Mr. REID. Mr. Chairman, there will be no more votes tonight. We have tried to work something out on the Kyl-Lieberman amendment and the Biden amendment. We have been unable to do that.

We have been very close a few times, but we have just been informed that Senator BIDEN will not have a vote anytime in the near future. There will not be a vote on the other one anytime in the near future. We hope tonight will bring more clearness on the issue.

But right now, I think it is fair to say there will be no votes tonight.

Does the Senator from South Dakota have any comments?

Mr. THUNE. No, I do not. I would say to the leader, that is good for our Members to know. We have Members who have been inquiring whether they will be able to vote.

Mr. REID. Let me say this: One thing I have done is, anytime I know there is going to be no votes, Senator MCCONNELL is the first to know. If there is a Monday we are not going to have votes, I let everybody know; nighttime vote. I think that has worked pretty well. There are no surprises.

Now, sometimes things just do not work out. But anytime we decide, on this side, the majority, there are not going to be votes, Senator MCCONNELL knows. That is an arrangement I made with him. I have stuck to that for the last 8 months.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

BURMA

Mr. DURBIN. Mr. President, for the last several months I have been coming to the floor with some frequency to speak about the tragic events in Darfur. That ongoing humanitarian crisis is a constant reminder of how many in this world still live under tragic circumstances and brutal governments.

Yet the human spirit continues to fight for change, even under these difficult conditions, something that has been so movingly evident in the recent days in the country of Burma. During the last week, the world has watched as thousands of Burmese have peacefully called for political change in one of the world's most repressive countries. Reuters reported today that 10,000 Buddhist monks continue to march through the largest city, Rangoon, chanting ''democracy, democracy.''

The streets are lined with between 50,000 to 100,000 clapping, cheering supporters. I speak today to lend my support to these peaceful protests and call on the Burmese military to immediately begin working with Nobel Prize winner Aung San Suu Kyi and U.N. Envoy Ibrahim Gambari to bring about a peaceful transition to real democracy in Burma. It should also unconditionally release all political prisoners.

I also call on the Government of China to use its special relationship with the Burmese Government to constructively foster these long overdue changes. As a permanent member of the U.N. Security Council, China has a particular responsibility to take action and to do it rapidly.

Sadly, this tragedy has been going on for way too long. Following decades of totalitarian rule, the Burmese people,