SA 3011. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3012. Mr. LANTIGHT, Mr. COBURN, Mr. HAGEL, and Mr. FRINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3013. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3014. Mr. SESSIONS (for himself, Mrs. FEINSTEIN, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3015. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3016. Mr. HATCH (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3017. Mr. KYL (for himself, Mr. LIEBERMAN, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

SA 3018. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3019. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3020. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

SA 3021. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2945. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 2. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—(1) CONTRACTS.—

(A) IN GENERAL.—Except as provided pursuant to paragraph (4) and notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense through congressional initiatives shall be awarded using competitive procedures in accordance with the procedures of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3) and pursuant to paragraph (4), no contract may be awarded by the Department of Defense through a congressional initiative if more than one bid is received for such contract. If the primary recipient of funding for a congressional initiative is the Department of Defense, the Department of Defense, or the Department of Energy, and the primary recipient of funding for a cooperative agreement is a private entity, the Department must allow multiple private entities to compete for the work to be completed.

(2) GRANTS.—Notwithstanding any other provision of this Act, no grants may be awarded by the Department of Defense by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant 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.

(B) 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 such applications 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 contract, grant, or cooperative agreement is essential to the mission of the Department of Defense.

(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, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives of the waiver.

(4) EXCEPTION TO REQUIREMENT FOR COMPETITION IN GRANTS AND CONTRACTS TO COLLEGES AND UNIVERSITIES.—Section 2361(b)(1) of title 10, United States Code, is amended by striking “unless that provision of law” and all that follows and inserting “unless—

(A) such provision of law specifically refers to this section; and

(ii) specifically states that such provision of law modifies or supersedes the provisions of this section; and

(iii) specifically identifies the particular college or university involved and states that the contract or grant to which the provision of law is being made or awarded in contravention of subsection (a); and

(B) the research and development concerned—

(i) fulfills an urgent requirement for deployed United States forces; and

(ii) involves unique and exceptional technology or concepts (which the Secretary shall describe in the notice under paragraph (2)) that make competition for the award of a grant or contract inadvisable.”.

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

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and 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 and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such initiative;

(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—

(A) the designation 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;

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

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

(d) APPLICABILITY.—This section shall apply with respect to congressional initiatives other than a private entity, the Department must allow multiple private entities to compete for the work to be completed.

SEC. 2946. SCHOLARSHIPS FOR POST-SECONDARY EDUCATION FOR SPOUSES AND DEPENDENTS OF MEMBERS OF THE ARMED FORCES.

There is hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 such sums as may be appropriate for a grant to a private charitable organization or other appropriate private organization for the purpose of scholarships for post-secondary education to spouses and other dependents of members of the Armed Forces, including members of the National Guard and the Reserves, for purposes of enhancing recruitment and retention of members of the Armed Forces.

SA 2947. Mrs. BOXER (for herself, Mr. LEVIN, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 12. SCHOLARSHIPS FOR POST-SECONDARY EDUCATION FOR SPOUSES AND DEPENDENTS OF MEMBERS OF THE ARMED FORCES.
At the end of subtitle E of title X, add the following:

SEC. 1553. SENSE OF SENATE ON IRAN.

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

(1) General David Petraeus, commander of the Multi-National Force Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that "Iran plays a harmful role in Iraq. While the United States has focused on its transit, Iran has actively undermined it by providing lethal capabilities to the enemies of the Iraqi state."

(2) The most recent National Intelligence Estimate on Iraq, published in August 2007, states that "Iran has been intensifying aspects of its lethal support for select groups of Iraqi militia, particularly the JAM [Jaysh al-Mahdi], since at least the beginning of 2006. Explosively formed penetrator (EFP) attacks have increased dramatically."

(3) The Report of the Independent Commission on the Security Forces of Iraq, released on September 6, 2007, states that "[The Commission concludes that the evidence of Iran's increasing activism in the southeastern part of the country, including Basra and Dhiyal, provinces, is compelling. It is an accepted fact that most of the sophisticated weapons being used to defeat our armor protection comes across the border from Iran with relative impunity]."

(4) General James Jones, chairman of the Independent Commission on the Security Forces of Iraq, stated in testimony before the Committee on Armed Services of the Senate on September 10, 2007, that "we judge that the goings-on across the Iranian border in particular are of extreme severity and that the potential of at least delaying our efforts is tremendous. Many of the arms and weapons that kill and maim our soldiers are coming from across the Iranian border."

(5) General Petraeus said of Iranian support for extremist activity in Iraq on April 26, 2007, that "[w]e know that it goes as high as the highest levels of the Iranian government and into the country."

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

(1) to reaffirm its strong support for all of the men and women of the United States Armed Forces; and

(2) to strongly condemn all attacks on the honor, integrity, and patriotism of any individual who is serving or has served honorably in the United States Armed Forces, by the President of the United States; and

(3) that it should be the policy of the Government—

(A) to support the prudent and calibrated use of United States military forces to back the violent activities and destabilizing influence inside Iraq of the Islamic Republic of Iran; and

(B) to support the prudent and calibrated use of all instruments of United States national power in Iraq against the Iranian state and coalition forces in Iraq.
paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies;
(5) that the United States should designate the Islamic Revolutionary Guards Corps as a "terrorist organization" under the Foreign Terrorist Organization Act as amended by the Implementing Recommendations of the 9/11 Commission Act of 2007, in light of the decision in Butterbaugh v. Department of Justice.

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

The bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strength for fiscal year 2008, and for other purposes; which was ordered to lie on the table; as follows:

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

(1) An estimate of the time required for the Defense Finance and Accounting Service to resolve claims made 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.
(2) An estimate of the amount of time required for the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice to complete the backlog of claims of other Federal agencies (selected by the Comptroller General) under the decision in Butterbaugh v. Department of Justice.
(3) An assessment of the reasonableness of the requirement of the Defense Finance and Accounting Service to track appointments of such members to the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice.
(4) Any other information needed to conduct oversight of the care of the member through the medical holdover process.
(5) Information that will allow the Secretary of the military departments and the Under Secretary of Defense for Personnel and Readiness to monitor trends and problems.

The report required by subsection (b) 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 recover service member, for fiscal year 2008, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1070. NOTIFICATION OF CERTAIN RESIDENTS OF SANTA ANA, CALIFORNIA OF EXPOSURE TO DRINKING WATER CONTAMINATION.

(a) Notification of Individuals Served by the Tarawa Terrace Water Distribution System, including Knox Trailer Park.—Not later than one year after the enactment of this Act, the Secretary of the Navy 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 member of another Federal agency, in light of the decision in Butterbaugh v. Department of Justice, to track appointments of such members to the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice.
(2) A means to ensure that the commander of each military medical facility where recovering service members are located and placed in medical holdover status, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.
(3) A means to inform the Secretary 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 the Navy 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.

SEC. 256. STUDY AND REPORT ON STANDARDS FOR DRINKING WATER.

(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 the Navy 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 member of another Federal agency, in light of the decision in Butterbaugh v. Department of Justice, to track appointments of such members to the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice.
(2) A means to ensure that the commander of each military medical facility where recovering service members are located and placed in medical holdover status, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.
(3) A means to inform the Secretary 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 the Navy 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.
SEC. 827. PROCUREMENT OF FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

(a) AUTHORITY TO PROCEDE.—The Secretary of Defense may procure fire resistant rayon fiber for the production of uniforms that is manufactured outside the United States.

(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) NATIONA TECHNOLOGY AND INDUSTRIAL BASE DEFINED.—In this section, the term "national technology and industrial base" means a local educational agency that—

(i) is in the District of Columbia, or

(ii) is a child whose parent on active duty in the National Guard or Reserve, or

(iii) has a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B); and

(d) USE OF FUNDS.—Funds made available to local educational agencies under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) shall be used for—

(i) counseling and other comprehensive services for military dependent children;

(ii) is 1,000 or more,

(iii) the global rebasing plan of the Department of Defense;

(iv) the realignment of forces as a result of the base closure process;

(v) a major reorganization of the Department of Defense;

(vi) a change in the number of required personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 656. EMERGENCY FUNDING FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.

(a) SHORT TITLE.—This section may be cited as the "Help for Military Children Affected by War Act of 2007".

(b) GRANTS AUTHORIZED.—The Secretary of Defense is authorized to award grants to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war or dramatic military decisions.

(c) DEFINITION.—Eligible Local Educational Agency.—The term "eligible local educational agency" means a local educational agency that—

(i) is a school district that has a military dependent child in average daily attendance in the schools served by the local educational agency during the current school year, determined in consultation with the Secretary of Education, that—

(ii) is 1,000 or more, which is less than 1,000.

(B) is designated by the Secretary of Defense as affected by—

(i) Operation Iraqi Freedom;

(ii) Operation Enduring Freedom;

(iii) the global rebasing plan of the Department of Defense;

(iv) the realignment of forces as a result of the base closure process;

(v) the official creation or activation of 1 or more new military units; or

(vi) a change in the number of required personnel strengths for a military installation, due to the Military Housing Privatization Initiative of the Department of Defense.

SEC. 2953. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:
Ordered to lie on the table; as follows:

[Text continues with legislative language and details]
(b) NAMING OF NEXT AIRCRAFT CARRIER.—It is the sense of the Congress that the next nuclear-powered aircraft carrier of the Navy be named U.S.S. America.

SA 2953. Mr. SMITH (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1070. 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.

SA 2957. Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. SMITH, Mr. STEVENS, and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

DIVISION—MARITIME ADMINISTRATION

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Maritime Administration Authorization Act of 2007.”

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

TITLe I—GENERAL


Sec. —102. Commercial vessel chartering authority.

Sec. —103. Maritime Administration vessel chartering authority.

Sec. —104. Chartering to state and local governmental instrumentalities.

Sec. —105. Disposal of obsolete government vessels.

Sec. —106. Vessel transfer authority.

Sec. —107. Sea trials for ready reserve force.

Sec. —108. Amendments for loans and guarantees.

TITLe II—TECHNICAL CORRECTIONS

Sec. —201. Statutory construction.

Sec. —202. Personal injury to or death of seamen.

Sec. —203. Amendments to chapter 537 based on Public Law 109–163.

Sec. —204. Additional amendments based on Public Law 109–163.


Sec. —208. Military construction.

Sec. —209. Application of sunset provision to codified provision.


TITLe I—GENERAL


Funds are hereby authorized to be appropriated for fiscal year 2008, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration:

(1) For expenses necessary for operations and training activities, $122,890,545.


(3) For assistance to small shipyards and maritime communities under section 54101 of title 46, United States Code, $6,000,000.

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 102–540, $20,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program under chapter 575 of title 46, United States Code, $20,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 575 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 1995 (46 U.S.C. §5101 note) and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $3,408,000.

SEC. —102. COMMERCIAL VESSEL CHARTERING AUTHORITY.

(a) In General.—Subchapter III of chapter 575 of title 46, United States Code, is amended by adding at the end the following:

§ 575333. Vessel chartering authority

“The Secretary of Transportation may enter into contracts or other agreements on behalf of the United States to purchase, charter, operate, or otherwise acquire the use of any vessels documented under chapter 575 of title 46, any other related real or personal property. The Secretary is authorized to use this authority as the Secretary deems appropriate.”

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 575 of such title is amended to read as follows:

8 § 57533. Vessel chartering authority.

“§ 57533. Vessel chartering authority.

‘‘The Secretary of Transportation may enter into contracts or other agreements on behalf of the United States to purchase, charter, operate, or otherwise acquire the use of any vessels documented under chapter 575 of title 46, any other related real or personal property. The Secretary is authorized to use this authority as the Secretary deems appropriate.’’

SEC. —103. MARITIME ADMINISTRATION VESSEL CHARTERING AUTHORITY.

Section 50303 of title 46, United States Code, is amended by—

(1) inserting “vessels,” after “piers,” and “;’’;

(2) by striking “control;” in subsection (a)(1) and inserting “control, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the National Defense Reserve Fleet or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.”;

(3) paragraph (6) by striking “in accordance with a priority system that shall not exceed 90 days”;

(4) by inserting “or any other related real or personal property.”

SEC. —104. CHARTERING TO STATE AND LOCAL GOVERNMENTAL INSTRUMENTALITIES.

Section 11(b) of the Merchant Ship Sales Act of 1946 (56 U.S.C. App. 1744(c)(1)) is amended by—

(1) by striking “or” after the semicolon in paragraph (3);

(2) by striking “Defense.” in paragraph (4) and inserting “Defense; or”;

(3) by adding at the end thereof the following:

“(6) On a reimbursable basis, for charter to the government of any State, locality, or Territory of the United States, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.”.

SEC. —105. DISPOSAL OF GOVERNMENT VESSELS.

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5465(c)(1)) is amended—

(1) by inserting “(either by sale or purchase of disposal services)” after “shall dispose”;

(2) by striking subparagraph (A) of paragraph (4) and inserting the following:

“in accordance with a priority system for disposing of vessels, as determined by the Secretary, which shall include provisions requiring the Maritime Administration to—

(i) dispose of all deteriorated high priority ships that are available for disposal, within 12 months of their designation as such; and

(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain.”

SEC. —106. VESSELS TRANSFER AUTHORITY.

Section 50304 of title 46, United States Code, is amended by adding at the end thereof the following:

“(d) VESSEL CHARTERS TO OTHER DEPARTMENTS.—On a reimbursable or nonreimbursable basis, as determined by the Secretary of Transportation, the Maritime Administration may charter or otherwise make available a vessel under the jurisdiction of the Secretary to any other department, upon the request by the Secretary of the department that receives the vessel. The prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.”.

SEC. —107. SEA TRIALS FOR READY RESERVE FORCES.

Section 11(c)(1)(B) of the Merchant Ship Sales Act of 1946 (56 U.S.C. App. 1744(c)(1)(B)) is amended to read as follows:

“(B) activate and conduct sea trials on each vessel at least once every 30 months;”.

SEC. —108. REVIEW OF LOAN PROGRAMS FOR LOANS AND GUARANTEES.

(a) PLAN.—Within 180 days after the date of enactment of this Act, the Administrator of the Maritime Administration shall develop a comprehensive plan for the review of traditional applications and non-traditional applications.

(b) EXCLUSIONS.—The comprehensive plan shall include a description of the application review process that shall not exceed 90 days for review of traditional applications.

(c) REPORT TO CONGRESS.—The Administrator shall submit a report describing the comprehensive plan to the Senate Commerce, Science, and Transportation and the House of Representatives Committees on Armed Forces.

(d) DEFINITIONS.—In this section—

(1) NONTRADITIONAL APPLICATION.—The term “nontraditional application” means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 575 of title 46, United States Code, that is not a traditional application, as determined by the Administrator.

(2) TRADITIONAL APPLICATION.—The term “traditional application” means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 575 of title 46, United States Code, that is a traditional application, as determined by the Administrator.
the date of enactment of this Act without default or unreasonable risk to the United States, as determined by the Administrator.

**TITLE II—TECHNICAL CORRECTIONS**

**SEC. 201. STATUTORY CONSTRUCTION.**

The amendments made by this title make no substantive change in existing law and may not be construed as making a substantive change in existing law.

**SEC. 202. PERSONAL INJURY TO OR DEATH OF SEAMEN.**

(a) **AMENDMENT.**—Section 30104 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) **CAUSE OF ACTION.**—A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman may bring an action against the employer. In such an action, the laws of the United States regulating recovery for personal injury to, or death of, a railway employee shall apply. Such an action may be maintained in admiralty or, at the plaintiff’s election, as an action at law, with the right of trial by jury.

"(b) **VENUE.**—When the plaintiff elects to maintain an action at law, venue shall be in the judicial district in which the employer resides or the employer’s principal office is located.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be effective as if included in the enactment of Public Law 109–304.

**SEC. 203. AMENDMENTS TO CHAPTER 537 OF TITLE 46, UNITED STATES CODE.**

(a) **AMENDMENTS.**—Title 46, United States Code, is amended as follows:

(1) Section 53701 is amended by—

(A) redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively;

(B) inserting after paragraph (1) the following:

"(2) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of the Maritime Administration;” and

(C) striking paragraph (13) as redesignated and inserting the following:

"(13) **SECRETARY**—The term ‘Secretary’ means the Secretary of Commerce with respect to fishing vessels and fishery facilities.”

(2) Section 53706(c)(c) is amended to read as follows:

"(c) **AUTHORITIES FOR CERTAIN VESSELS.**—

"(1) **VESSELS.**—In guaranteeing or making a commitment to guarantee an obligation under this chapter, the Administrator shall give priority to—

(A) a vessel that is otherwise eligible for a guarantee and is constructed with assistance under subtitle D of the Maritime Security Act of 2003 (46 U.S.C. 53101 note); and

(B) after applying subparagraph (A), a vessel that is otherwise eligible for a guarantee and that the Secretary of Defense determines—

(i) is suitable for service as a naval auxiliary in time of war or national emergency; and

(ii) meets a shortfall in sealift capacity or capability.

"(2) **TIME FOR DETERMINATION.**—The Secretary of Defense shall determine whether a vessel under paragraph (1)(B) not later than 30 days after receipt of a request from the Administrator for such a determination.

(3) Section 53707 is amended—

(A) by inserting “or Administrator” in subsections (a) and (d) after “Secretary” each place it appears;

(B) by striking “Secretary of Transportation” in subsection (b) and inserting “Administrator”;

(C) by striking “of Commerce” in subsection (c) and inserting “or Commerce” in such subsection (c); and

(D) in subsection (d)(2), by—

(i) inserting “if the Secretary or Administrator considers necessary,” before “the waiver”;

(ii) striking “the increased” and inserting “any significant increase in”.

(4) Section 53710 is amended—

(A) by striking “SECRETARY OF TRANSPORTATION” in the heading of subsection (a) and inserting “ADMINISTRATOR”;

(B) by striking after paragraph (1) the following:

"(A) a vessel that is otherwise eligible for Secretary’s consideration, if the Secretary determines that the vessel satisfies paragraph (1)(B) not later than the date of enactment of this Act;” in paragraph (1);

(C) by striking “of Commerce” in the heading of subsection (b);

(D) by striking “of Commerce” in subsections (b), (c), and (d);

(E) in subsection (d), by—

(i) inserting “or Administrator” after “Secretary” the first place it appears; and

(ii) striking “financial structures, or other risk factors identified by the Secretary. Any independent analysis conducted under this subsection shall be performed by a party chosen by the Secretary,” and inserting “or financial structures. A third party independent analysis conducted under this subsection shall be performed by a private sector expert, financial advisor, or other risk factor who is selected by the Secretary or Administrator.”;

(F) in paragraph (3) (as redesignated), by—

(i) inserting “or Administrator” after “Secretary” the first place it appears; and

(ii) striking “financial structures, or other risk factors identified by the Secretary and inserting or financial structures”.

(5) Section 53711(b)(1) is amended by striking “Secretary’s” and inserting “Administrator’s”.

(6) Section 53712(b) is amended by striking the last sentence and inserting “If the Secretary or Administrator has waived a requirement under section 5379(d) of this title, the loan agreement shall include requirements for additional payments, collateral, or equity contributions to meet the waived requirement upon the occurrence of verifiable conditions indicating that the obligor’s financial condition enables the obligor to meet the waived requirement.”

(7) Subsections (a) and (d) of section 53717 are each amended—

(A) by striking “OF COMMERCE” in the subsection heading;

(B) by striking “of Commerce” each place it appears.

(8) Section 53732(e)(2) is amended by inserting “of Defense” after “Secretary” the second place it appears.

(9) The following provisions are amended by striking “Secretary” and “Secretary of Transportation” and inserting “Administrator”:

(A) Section 53710(b)(2)(A)(1).

(B) Section 53717(b) each place it appears in a heading and text.

(C) Section 53718.

(D) Section 53731 each place it appears, except where “Secretary” is followed by “of Energy”.

(E) Section 53732 (as amended by paragraph (8)) each place it appears, except where “Secretary” is followed by “of the Treasury”, “of State”, or “of Defense”.

(F) Section 53733 each place it appears.

(10) The following provisions are amended by inserting “or Administrator” after “Secretary” each place it appears in headings and text, except where “Secretary” is followed by “of Transportation” or “of the Treasury”:

(A) The items relating to sections 53722 and 53723 in the chapter analysis for chapter 537.

(B) Sections 53701(c), (4), and (9) (as redesignated by paragraph (1)(A)), 53702(a), 53703,

53704, 53706(a)(3)(B)(ii), 53709(a)(1), (b)(1), and (2)(A), and (d), and 53710(a) and (c), 53711, 53712 (except in the last sentence of subsection (b) as amended by paragraph (6)), 53713 to 53716, 53723, and 53725.

(11) Sections 53715(d)(1), 53716(d)(3), 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b) are amended by inserting “or Administrator’s” after “Secretary’s”.

(b) **REPEAL OF SUPERSEDED AMENDMENTS.**—

Section 3307 (except subsection (c)(4)) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is repealed.

**SEC. 204. ADDITIONAL AMENDMENTS BASED ON PUBLIC LAW 109–163.**

(a) **AMENDMENTS.**—Title 46, United States Code, is amended as follows:

(1) Chapters 513 and 515 are amended by striking “Naval Reserve” each place it appears in analyses, headings, and text and inserting “Navy Reserve”.

(2) Section 51504 is amended to read as follows:

"(f) **FUEL COSTS.**—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall pay to each State maritime academy the costs of fuel used by a vessel provided under this section while used for training.

"(2) **MAXIMUM AMOUNTS.**—The amount of the payment to a State maritime academy under paragraph (1) may not exceed—

(A) $100,000 for fiscal year 2006;

(B) $200,000 for fiscal year 2007; and

(C) $300,000 for fiscal year 2008 and each fiscal year thereafter.

(3) Section 51505(b)(2)(B) is amended by striking "$200,000" and inserting "$300,000".

(4) Section 51507 is amended by striking "Secretaries of the United States." and inserting "Secretary.".

(5) Section 51507 is amended to read as follows:

"§51907. Provision of decorations, medals, and replacements.

"The Secretary of Transportation may provide—

(a) the decorations and medals authorized by this chapter and replacements for those decorations and medals; and

(b) replacements for decorations and medals issued under a prior chapter.

(6) (A) The item relating to section 51907 in the chapter analysis for chapter 519 is amended to read as follows:

"§51907. Provision of decorations, medals, and replacements.

(6)(A) The following new chapter is inserted after chapter 539:

"CHAPTER 541—MISCÉLLANEOUS

"Sec. 54101. Assistance for small shipyards and maritime communities.”


(8) The heading of such section, as transferred by subparagraph (B), is amended to read as follows:

"§54101. Assistance for small shipyards and maritime communities.”

(9) Paragraph (1) of subsection (b) of such section, as transferred by subparagraph (B), is amended by striking "(15 U.S.C. 632)" and inserting "(15 U.S.C. 632a)".

(10) The table of chapters at the beginning of subtitle V is amended by inserting after
the item relating to chapter 539 the following new item:

"541. Miscellaneous ........................................ 54101".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—
Sections 515(g)(2), 3303, 3309, and 3510 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) are repealed.

SEC. 205. AMENDMENTS BASED ON PUBLIC LAW 109-171.

(a) AMENDMENTS.—Section 69301 of title 46, United States Code, is amended—

(1) by striking "2 cents per ton (but not more than a total of 10 cents per ton per year)" in subsection (a) and inserting "$1.5 cents per ton, not to exceed a total of 22.5 cents per ton per year, for fiscal years 2006 through 2010, and 6 cents per ton, not to exceed a total of 30 cents per ton per year, for each fiscal year thereafter."; and

(2) by striking "6 cents per ton (but not more than a total of 30 cents per ton per year)" in subsection (b) and inserting "$13.5 cents per ton, not to exceed a total of 67.5 cents per ton per year, for fiscal years 2006 through 2010, and 6 cents per ton, not to exceed a total of 30 cents per ton per year, for each fiscal year thereafter.".

(b) REPEAL OF SUPERSEDED AMENDMENTS.—
Section 4001 of the Deficit Reduction Act of 2005 (Public Law 109-171) is repealed.

SEC. 206. AMENDMENTS BASED ON PUBLIC LAW 109-241.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 12111 is amended by adding at the end the following:

"(d) ACTIVITIES INVOLVING MOBILE OFF-SHORE DRILLING UNITS.—

"(1) IN GENERAL.—Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in—

"(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))); or

"(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is in the seabed.

"(2) COASTWISE TRADE NOT AUTHORIZED.—Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of this title.

"(2) Section 12139(a) is amended by striking "and charterers" and inserting "charterers, and mortgagees".

(3) Section 51307 is amended—

(A) by striking "and charterers" and inserting "charterers, and mortgagees"; and

(C) by adding at the end the following:

"(4) defined in the vessel considered by the Secretary to be necessary or appropriate or in the national interest.

"(B) Section 51305(b)(3) is amended by striking "the Secretary, or the Secretary of Commerce." and inserting "Secretary of Homeland Security".

"(C) Section 70306 is amended by striking "the Secretary submit a report" and inserting "The Secretary shall submit an annual report".

(4) Section 50502(d)(2) is amended to read as follows:

"(2) RESPONSE TO CLAIM OF REGISTRY.—The response of a foreign nation to a claim of registry under paragraphs (1)(A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is proved conclusively by certification of the Secretary of State or the Secretary's designee.''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—
Sections 303, 307, 309, 310, 391(q), and 902(e) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241) are repealed.

SEC. 207. AMENDMENTS BASED ON PUBLIC LAW 109-364.


(b) Section 1206(a) of title 46, United States Code, and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)" and inserting "sections 12112, 50501, and 5102 of title 46, United States Code".

(c) Section 51306(e).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is amended by adding at the end the following:

"(e) ALTERNATIVE SERVICE.—

"(1) SERVICE AS COMMISSIONED OFFICER.—An individual who, for the 5-year period following graduation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of paragraphs (3) through (5) of subsection (d).

"(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and conditions set forth in subsection (a) through the modification of alternative service requirements.''.

(b) APPLICATION.—Section 51306(e) of title 46, United States Code, as added by paragraph (1) applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under section 51306(a) of title 46, after October 17, 2006.

(c) Section 51307.—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is further amended by adding at the end the following:

"(f) SERVICE OblIGATION PERFORMANCE REPORTING REQUIREMENT.—

"(1) IN GENERAL.—Any vessel subject to any otherwise applicable restrictions on disclosure in section 552a of title 5, the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, and the Administrator of the National Oceanic and Atmospheric Administration, and the Surgeon General of the Public Health Service shall—

"(A) shall notify the graduate of obligated service of an individual graduate of the Academy upon request of the Secretary; and

"(B) may, in their discretion, notify the Secretary of the department in which the Coast Guard is operating of the graduate's duties, either on active duty or in the Ready Reserve component of their respective service, or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service, respectively.

"(2) INFORMATION TO BE PROVIDED.—A report under paragraph (1) shall identify any graduate determined to have failed to comply with service obligation requirements and provide all required information as to why, and the assumptions and status of the graduate's obligations by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.

"(3) CONSIDERED AS DEFAULT.—Upon receipt of such a report or notice, such graduate may be considered to be in default of the service obligation by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.''.

(1) The analysis for chapter 21 is amended to read as follows:

(a) AMENDMENTS TO Title 46.—Title 46, United States Code, is amended as follows: (1) The heading of section 51310 is amended by inserting "valueless material or before "dredged material"

(b) The item for section 51411 in the analysis for chapter 51 is amended by inserting "valueless material or before "dredged material"

(c) The heading of section 50501 of title 46, United States Code, is amended by adding "on an oceanographic research vessel" after "scientific personnel"

(d) Section 50503 of title 46, United States Code, is amended by striking ""An oceanographic research vessel" and all that follows and inserting the following:

"(a) DEFINITIONS.—In this section, the terms "oceanographic research vessel" and "scientific personnel" have the meaning given the terms in section 50501.

"(b) NOT SERVING.—Scientific personnel on an oceanographic research vessel are deemed not to be serving under part G of subtitle II, section 309A, or chapter 303.

"(c) NOT ENGAGED IN TRADE OR COMMERCE.—An oceanographic research vessel is deemed not to be engaged in trade or commerce.

(2) Section 50504(b)(1) of title 46, United States Code, is amended by striking "parts B, F, and G of subtitle II and inserting "parts B, F, and G of subtitle II, section 3014, or chapter 303.

(b) APPLICATION OF SUNSET PROVISION TO CODIFIED PROVISION FOR purposes of section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108-287, 26 U.S.C. 1 note), the amendment made by section 301(a)(2)(E) of that Act shall be deemed to have been made to section 35311(t)(2) of title 46, United States Code.

SEC. 210. ADDITIONAL TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO Title 46.—Title 46, United States Code, is amended as follows: (1) The analysis for chapter 21 is amended by striking the item for chapter 21.

(b) Section 12113(g) is amended by inserting "and after "Conservation". September 20, 2007 CONGRESSIONAL RECORD — SENATE S11871
SEC. 1070. HURIZONES.

(a) In General.—Section 3p(4)(D) of the Small Business Act (15 U.S.C. 632p(4)(D)) is amended—

(1) by redesignating clauses (1), (2), (3), (iv), and (v) as subclauses (I), (II), (III), and (IV), respectively, and adjusting the margin accordingly;

(2) by striking ''means lands'' and inserting the following ''means—''; and

(3) by striking the period at the end and inserting the following: ";"

(b) Policy.—It is the policy of the United States to protect its military and civilian satellites and to research all potential means of doing so.

SEC. 2961. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal years 2008 and 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, for military personnel strengths for such fiscal years, and for other purposes. The amendment was ordered to lie on the table; as follows:

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

SEC. 1011. NATIONAL GUARD SUPPORT FOR BORDER CONTROL ACTIVITIES.

(a) Support Authorized.—

(1) In General.—Chapter 1 of title 32, United States Code, is amended by inserting after section 112 the following new section:

"§ 112a. Border control activities

"(a) Finding.—The Secretary of Defense may provide funds to the Governor of a State who submits to the Secretary a State border control activities plan approved by the Secretary for such fiscal year, and for other purposes, as authorized by State law, of personnel of the National Guard of that State used, while in Federal service, for the purpose of border control activities.

(2) The operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of border control activities.

(3) The procurement of services and equipment, and the leasing of equipment, for the National Guard of that State used for the purpose of border control activities. However, the use of such funds for the procurement of equipment may not exceed $5,000 per item, unless approval for procurement of equipment in excess of $5,000 is granted in advance by the Secretary of Defense.

(b) Use of Personnel Performing Full-Time National Guard Duty.—(1) Under regulations prescribed by the Secretary of Defense, personnel of the National Guard of a State may, in accordance with the State border control activities plan referred to in subsection (a), be ordered to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out border control activities.

(2) A member of the National Guard serving on full-time National Guard duty under orders authorized under paragraph (1) shall participate in training required under section 502(a) of Title 32, United States Code, in addition to the duty performed for the purpose authorized under that paragraph. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out border control activities.

(3) Appropriations available for the Department of Defense for homeland defense may be used for paying costs associated with a member's participation in training described in paragraph (2), subject to the requirements of subsection (a). Appropriations available for paying those costs,
for the amounts paid. Appropriations avail-
able for paying those costs shall be available for
making the reimbursements.

"(c) To ensure that the use of units and personnel of the National Guard of a State pursuant to a State border control activities plan does not degrade the training and readi-
ness of units and personnel of the National Guard, the following requirements shall apply in deter-
moving the border control activities that units and personnel of the National Guard of a State are provided to perform:

"(i) The performance of the activities may not adversely affect the quality of that training or otherwise interfere with the ability of the units of the National Guard to perform the military functions of the member or unit.

"(ii) National Guard personnel will not de-
grade their military skills as a result of per-
forming the activities.

"(iii) The performance of the activities will not result in a significant increase in the cost of training.

"(iv) In the case of border control activi-
ties performed by a unit organized to serve as a unit, the activities will support valid unit training programs.

"(c) PLAN REQUIREMENTS.—A State border control activities plan shall—

"(1) specify how personnel of the National Guard of that State are to be used in border control activities in support of the mission of the United States Customs and Border Protection of the Department of Homeland Security;

"(2) certify that those operations are to be conducted at a time when the personnel in-
volved are not in Federal service;

"(3) certify that the participation of National Guard personnel in those operations is serv-
cice in addition to training required under section 502 of this title;

"(4) certify that any engineer-type activi-
ties (as defined by the Secretary of Defense) under the plan will be performed only by units and members of the National Guard;

"(5) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general) that the use of the National Guard of the State for the activities proposed under the plan is authorized by, and consistent with, State law;

"(6) certify that the Governor of the State or a civilian law enforcement official of the State designated by the Governor has deter-
mined that all activities included in the plan that are carried out in conjunction with Federal law enforcement agencies serve a State law enforcement purpose.

"(d) EXAMINATION OF PLAN.—Before funds are provided to the Governor of a State under this section and before members of the National Guard of that State are ordered to full-time National Guard duty as authorized in subsection (b), the Secretary of Defense shall, in consultation with the Secretary of Homeland Security, examine the adequacy of the plan approved by the Governor under subsection (c). The plan as approved by the Secretary of Defense may provide for the use of personnel and equipment of the National Guard of the State that are to assist the Immigration and Naturalization Service in the trans-
portation of aliens who have violated a Fed-
eral immigration law.

"(e) END STRENGTH LIMITATION.—(1) Except as provided in paragraph (2), at the end of a fiscal year there may not be more than 6,000 members of the National Guard.

"(A) On full-time National Guard duty under section 502(f) of this title to perform border control activities pursuant to an order in pursuant to section 502 of this title.

"(B) On duty under State authority to per-
form border control activities pursuant to an
order to duty with State pay and allowances being reimbursed with funds provided under subsection (a)(1).

"(2) The Secretary of Defense may increase the end strength authorized under paragraph (1) by not more than 20 percent for any fiscal year if the Secretary determines that such an increase is necessary for national secu-
ritv interests of the United States.

"(f) ANNUAL REPORT.—The Secretary of De-
fense shall submit to Congress an annual re-
port regarding assistance provided and ac-
tivities carried out under this section during the preceding fiscal year. The report shall in-
clude the following:

"(1) The number of members of the Na-
tional Guard excluded under subsection (e) from the computation of end strengths.

"(2) A description of the border control ac-
tivities conducted under State border con-
trol activities plans referred to in subsection (c) with funds provided under this section.

"(3) An accounting of the amount of funds provided to each State.

"(4) A description of the effect on military
training and readiness of using units and personnel of the National Guard to perform activities under the State border control ac-
tivities plans.

"(g) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limita-
tion on the authority of any unit of the Na-
tional Guard of a State, when such unit is not in Federal service, to perform law en-
forcement functions authorized to be per-
formed by the National Guard by the laws of the State concerned.

"(h) DEFINITIONS.—In this section:

"(1) The term ‘border control activities’, with respect to the National Guard of a State, means the use of National Guard per-
sion in border control activities author-
zied by the law of the State and requested by the Governor of the State in support of the mission of the United States Customs and Border Protection of the Department of Homeland Security, including activities as follows:

"(A) Construction of roads, fences, and vehi-
cle barriers.

"(B) Search and rescue operations.

"(C) Intelligence gathering, surveillance, and reconnaissance.

"(D) Communications and information technologies.

"(E) Installation and operation of cameras.

"(F) Repair and maintenance of infrastruc-
ture.

"(G) Administrative support.

"(H) Aviation support, including mainte-
nance.

"(i) Logistics support.

"(2) The term ‘Governor of a State’ means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia; in the case of the Commonwealth of Puerto Rico, or a terri-
tory, the Governor of such territory; and in the case of any other State, means the Governor of the State.

"(3) The term ‘State’ means each of the
United States, the District of Columbia, the
Commonwealth of Puerto Rico, or a terri-
tory, possession, or Commonwealth of the United States.

"(2) C LERICAL AMENDMENT.—The table of
contents for this Act is amended by inserting after the item "112a. Border control activities." the following:

"112a. Border control activities.

"(2) EFFECTIVE DATE.—The amendments
made by this section shall take effect on Oc-
tober 1, 2007.

SA 2962. Mrs. BOXER (for herself, Mr. LIEBERMAN, and Mr. OBAMA) submitted an amendment in the nature of a motion by the bill S 111 H.R. 1853, to author-
ize appropriations for fiscal year 2008 for the military activities of the Depart-
ment of Defense, for military construc-
tion, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 703. IMPLEMENTATION OF RECOMMENDA-
TIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.

(a) IN GENERAL.—As soon as practicable, but not later than May 31, 2008, the Sec-
retary of Defense shall implement the rec-
ommendations of the Defense Mental Health Task Force on Mental Health developed pur-
suant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Pub-
lic 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 RE-
COMMENDATIONS.—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 De-
fense Mental Health Task Force on Mental Health:

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

(2) The appointment of a psychological di-
rector of health for each military depart-
ment, 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 excel-
ence for the study of psychological health.

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

(5) The implementation of a national psy-
chological health assessment addressing cogni-
tion, psychological functioning, and over-
all 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 allo-
cating resources to military mental health facilities and services for 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 en-
sure that each military department carefully assesses the history of occupational exposure to conditions potentially resulting in post-
traumatic stress disorders, 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 LEGISLA-
TIVE ACTION.—Not later than 180 days after
the date of the enactment of this Act, the Sec-
retary shall submit to the congressional defense committees a description of any legis-
latively action required to implement the recommendations of the Department of De-
fense Mental Health Task Force.

(d) RECOMMENDATIONS TO BE NOT IMPL-
MENTED.—After the date of the enactment of this Act, the Secretary shall inform the congressional defense committees of any re-
commendations by the Department of Defense Mental Health Task Force the Secretary of Defense has determined not to implement.

(e) PROGRESS REPORTS REQUIRED.—
On or before—

(1) 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.

SA 2963. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title 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 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.

SA 2964. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title 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 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.

SA 2966. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title C of title XV, add the following:

SEC. 1353. POLICY OF THE UNITED STATES ON A VOTE BY THE PARLIAMENT OF IRAQ ON MEETING KEY POLITICAL BENCHMARKS.

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

(1) Section 134(d)(4) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110–28) states that ‘‘[t]he President of the United States, in respecting the sovereign rights of the nation of Iraq, shall direct the orderly redeployment of elements of U.S. forces from Iraq, if the components of the Iraqi government, acting in strict accordance with their respective powers given by the Iraqi Constitution, reach a consensus as recited in a resolution, directing a redeployment of U.S. forces’’.

(2) President George W. Bush stated on April 24, 2007, that if the Government of Iraq ‘‘failed getting the coalition presence, U.S.’s presence is counterproductive, we would leave’’.

(3) In May 2007, a majority of the members of the Parliament of Iraq reportedly signed draft legislation calling for a timetable for the withdrawal of United States forces from Iraq.

(b) POLICY OF THE UNITED STATES.—It shall be the policy of the United States to request that the Prime Minister of Iraq submit to the Parliament of Iraq a resolution stating that it in the people of Iraq to transition the United States military mission in Iraq to (1) training, equipping, and providing logistic support to the Iraqi Security Forces, (2) targeting counterterrorism operations against al Qaeda, al Qaeda-affiliated groups, and other international terrorist organizations, and (3) protecting United States and Coalition personnel and infrastructure, and redeploy United States forces not necessary to completing missions the nine months after the date of the enactment of this Act.

SA 2967. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the section title C of title XV, add the following:

SEC. 1535. CONDITIONING OF UNITED STATES SUPPORT FOR GOVERNMENT OF IRAQ ON MEETING KEY POLITICAL BENCHMARKS.

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

(1) On November 27, 2006, Prime Minister of Iraq Nuri al-Maliki stated that ‘‘[t]he crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians’’.

(2) On January 7, 2007, President George W. Bush stated in a speech to the Nation that ‘‘We will tell the Iraqi government that it must provide for the needs of all Iraqis to achieve national reconciliation, and that ‘America will hold the Iraqi government to the benchmarks it has announced’’.

(3) On September 4, 2007, the Government Accountability Office reported that the Government of Iraq had met only one of the eight legislative benchmarks necessary for political reconciliation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States strategy in Iraq should be conditioned on the Government of Iraq meeting key political benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chair of the Joint Chiefs of Staff, and reflected in the commitments of the Government of Iraq to the United States and to the international community, including:

(1) forming a Constitutional Review Committee and then completing the constitutional review;

(2) enacting and implementing legislation on de-Ba’athification;

(3) enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of the benefit Sunnis, Kurds, and other Iraqi citizens in an equitable manner; and

(4) enacting and implementing legislation establishing an Independent High Electoral Commission, provincial elections law, provincial council authorities and, a date for provincial elections.

(c) COMPTROLLER General REPORT.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress an independent report prescribing—

(1) the status of the achievement by the Government of Iraq of each of the benchmarks described in subsection (a)(3); and

(2) the Comptroller General’s assessment of whether or not each benchmark has been met.
(d) Withdrawal of Political Support.—If in the report under subsection (c) the Commander General determines that the Government of Iraq has not met each of the benchmark requirements under subsection (a), the United States shall immediately withdraw political support for the Government of Iraq under the Non-Proliferation of Nuclear Weapons and support efforts by the Iraqi Parliament to form a new government.

SA 2968, Mr. KERRY (for himself, Ms. SNOWE, Mr. HAGEL, Ms. LANDRUIE, Mr. LIEBERMAN, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION D—VETERANS SMALL BUSINESSES**

**SEC. 4001. SHORT TITLE.**

This division may be cited as the “Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007”.

**SEC. 4002. DEFINITIONS.**

In this division—

(1) the term “activated” means receiving an order placing a Reservist on active duty;

(2) the term “active duty” has the meaning given in section 101 of title 10, United States Code;

(3) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term “Reservist” means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term “Service Corps of Retired Executives” means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms “service-disabled veteran,” and “veterans business concern” have the meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term “small business development center” means a business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term “women’s business center” means a women’s business center described in section 29 of the Small Business Act (15 U.S.C. 656).

**TITLE XII—VETERANS BUSINESS DEVELOPMENT**

**SEC. 4101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.**

(a) In General.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008;

(2) $2,300,000 for fiscal year 2009; and

(3) $2,500,000 for fiscal year 2010.

(b) Increase in appropriations.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

**SEC. 4102. INTERAGENCY TASK FORCE.**

Section 203 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

(1) INTERAGENCY TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the awareness of Federal contracting opportunities to, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans in accessing Federal contracting opportunities through expanded mentor-protege assistance and matching such small business concerns with contracting opportunities;

(2) the Department of the Treasury;

(3) the Department of Defense;

(4) the Small Business Administration;

(5) the General Services Administration;

(6) the General Services Administration; and

(7) the Office of Management and Budget.

(2) DUTIES.—The task force shall coordinate administrative and regulatory activities and develop proposals relating to—

(A) increasing capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

(B) increasing access to Federal contracting and subcontracting for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protege assistance and matching such small business concerns with contracting opportunities;

(C) increasing the presence of certifying entities as a small business concern owned and controlled by veterans in accessing Federal contracting opportunities;

(D) making other improvements relating to the support for veterans business development by the Federal Government.

(3) The task force shall submit an annual report regarding its activities and proposals to—

(A) the Committee on Small Business and Entrepreneurship and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Small Business and Entrepreneurship and the Committee on Veterans’ Affairs of the House of Representatives.

**SEC. 4102A. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.**

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

**TITLE XLII—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY**

**SEC. 4201. SHORT TITLE.**

This title may be cited as the “National Reservist Enterprise Transition and Sustainability Act of 2007”.

**SEC. 4202. PURPOSE.**

The purpose of this title is to establish a program to—

(1) provide managerial, financial, planning, development, technical, and regulatory assistance to small business concerns owned and operated by Reservists;

(2) provide managerial, financial, planning, development, technical, and regulatory assistance to the temporary small business concerns owned and operated by Reservists;

(3) create a partnership between the Small Business Administration, the Department of Defense, and the Department of Veterans Affairs to assist small business concerns owned and operated by Reservists;

(4) utilize the service delivery network of small business development centers, woman’s business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to expand the access of small business concerns owned and operated by Reservists to programs providing business management, development, financial, procurement, technical, regulatory, and marketing assistance;

(5) utilize the service delivery network of small business development centers, woman’s business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to quickly respond to an activation of Reservists that own and operate small business concerns; and

(6) utilize the service delivery network of small business development centers, woman’s business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to assist Reservists that own and operate small business concerns in preparing for future military activations.

**SEC. 4203. NATIONAL GUARD AND RESERVE BUSINESS ASSISTANCE.**

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 664(a)(1)) is amended by inserting “any small business concern owned and operated by a member of the National Guard or Reserve” after “any small business concern owned and operated by a member of the National Guard or Reserve”.

(b) PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by inserting after section 37 the following:

SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY.

“(a) IN GENERAL.—The Administrator shall establish a program to provide business planning assistance to small business concerns owned and operated by Reservists.

“(b) DEFINITIONS.—In this section—

(1) the term ‘activated’ means having received an order placing a Reservist on active duty, as defined by section 101(1) of title 10, United States Code;

(2) the term ‘deadline’ means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers;

(3) the term ‘Association’ means the association established under section 21(a)(3)(A);
The text on the page appears to be a legislative document discussing various programs and regulations. Specific sections and subsections are highlighted, but the full context requires understanding the broader legislative framework, which is not provided in this snippet. The document appears to be addressing issues related to business assistance, possibly for veterans or reservists, given the context of grants and loans. It seems to be part of a larger act or law, as indicated by references to specific sections and subsections. The text includes references to the Small Business Act, the Defense Appropriations Act, and various other federal laws and regulations. The document likely contains provisions for the promotion of small businesses, the provision of grants, and the handling of loan applications. The language used suggests a formal legislative or regulatory style, typical of federal government documents.
Act jointly with the Secretary of Defense and veterans’ service organizations; and

(B) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 4003. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

“(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during such period of active duty.

(iii) The period during which the relevant essential employee is on active duty.”

SEC. 4004. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

“(H) The Administrator shall give priority to any application for a loan under this paragraph made by a small business that makes a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection on a rolling basis.

SEC. 4005. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)), as amended by this Act, is amended by adding at the end the following:

“(A) RELIEF FROM TIME LIMITATIONS.—

(i) IN GENERAL.—Any time limitation on any qualification, certification, or period of active duty pursuant to a call or order of the President of the United States Code, on or after September 11, 2001; and

(ii) the period during which such veteran is on active duty under a provision of law specified by section 7(m), the Administrator is authorized to make $42,000,000 in loans.

SEC. 4006. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the employment of Reservists when such reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the number of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or


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

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

TITLE XLIV—OFFSET OF AUTHORIZATION

SEC. 4401. OFFSET.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subsection (e) the following:

“(f) MICROLOANS.—For each of fiscal years 2008 through 2011, for the programs authorized by section 7(m), the Administrator is authorized to make $42,000,000 in loans.”

SEC. 4402. LOAN PRIORITY.

The Secretary of Defense shall conduct a study in the hiring of Reservists by business to inform Reservists of the obligations and their rights as a member of the armed forces described in subparagraph (B) for purposes of encouraging and facilitating the coordination of the provision of visual rehabilitation benefits and services by 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.

(3) 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 20⁄500 or less in either eye.

(ii) A member with an eye injury incurred in combat who has a loss of peripheral vision of 5 degrees or less.

(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretaries of other appropriate departments and agencies, as appropriate, shall ensure that 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 title 10, United States Code, is amended by inserting at the end a new section 2915.

SEC. 2915. LIMITATION ON COST GROWTH ASSOCIATED WITH 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT

(a) SEMIANNUAL REPORT ON IMPLEMENTATION COSTS.—(1) IN GENERAL.—Not later than October 7, 2007, and every 180 days thereafter, the Secretary of Defense shall submit to Congress a report on the costs of implementing the recommendations of the Commission contained in the report transmitted to Congress on September 15, 2005, under section 2903(e) that relate to closures and realignments that have not been fully implemented.

(2) ESTIMATES REQUIRED.—Each report submitted under paragraph (1) shall include—

(A) the baseline estimate of one-time implementation costs; and

(B) the current estimate of one-time implementation costs, including any increase attributable to actual or anticipated costs due to inflation.

(3) SPECIAL PROCEDURES REQUIRED TO ADDRESS CERTAIN COST INCREASES.—

(4) BUSINESS PLAN TO CONTROL COSTS.—The Secretary of Defense shall develop a business plan to reduce the costs of any individual substantially over budget base closure or realignment to a level less than 25 percent greater than the baseline estimate for such closure or realignment.

(c) IMPLEMENTATION OF SUBSTANTIALLY OVER BUDGET BASE CLOSURES AND REALIGNMENTS.—

(1) RECOMMENDATIONS.—Not later than 45 days after an individual base closure or realignment is identified in a report required under subsection (a) as a substantially over budget base closure or realignment, the Secretary of Defense shall submit to the President a recommendation to continue implementation of such closure or realignment.
"(2) JUSTIFICATION REQUIRED.—In the event the Secretary recommends that an individual substantially over budget base closure or realignment should continue to be implemented, the recommendations cost shall be included in the justification for continuing such closure or realignment.

"(3) REPORT TO CONGRESS.—Not later than 30 days after receiving a recommendation regarding whether to continue implementation of an individual substantially over budget base closure or realignment under paragraph (1), the President shall submit to Congress a report including the recommendation of the President regarding the implementation of such closure or realignment.

"(4) CONGRESSIONAL DISAPPROVAL.—

"(i) In general.—The Secretary of Defense may not continue or discontinue the implementation of an individual substantially over budget base closure or realignment recommended by the President under paragraph (3) if a joint resolution is enacted, in accordance with the procedures prescribed in subsection (d), disapproving such recommendation of the President described in paragraph (1), then the following procedures shall apply:

"(A) In general.—On or after the third day after the date on which the committee to which such a resolution is referred has not reported such resolution—

"(II) the vote on final passage shall be on the resolution described in paragraph (1) and such resolution shall be placed on the appropriate calendar of the House involved.

"(II) CONSIDERATION.—

"(A) In general.—On or after the third day after the date on which the committee to which such a resolution is referred has not reported such resolution—

"(6) RULES OF THE SENATE AND HOUSE.—

"This section is enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectivly, and applicable to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(B) BASELINE ESTIMATES OF ONE-TIME IMPLEMENTATION COSTS DEFINED.—In this section, the term ‘baseline estimate of one-time implementation costs’ means the applicable cost set forth in the Cost of Base Realignment Actions (COBRA) report used and released by the Secretary of Defense at the time the Secretary published in the Federal Register and transmitted to the congressional defense committees and the Commission the initial list of recommendations for closure or realignment of military installations under section 2914(a).

"(C) APPLICABILITY.—The reporting, notification, and other requirements of this section do not apply to base closures and realignments involving the establishment or consolidation of a joint base.

"(6) RULES OF THE SENATE AND HOUSE.—

"This section is enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectivly, and applicable to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(B) BASELINE ESTIMATES OF ONE-TIME IMPLEMENTATION COSTS DEFINED.—In this section, the term ‘baseline estimate of one-time implementation costs’ means the applicable cost set forth in the Cost of Base Realignment Actions (COBRA) report used and released by the Secretary of Defense at the time the Secretary published in the Federal Register and transmitted to the congressional defense committees and the Commission the initial list of recommendations for closure or realignment of military installations under section 2914(a).

"(C) APPLICABILITY.—The reporting, notification, and other requirements of this section do not apply to base closures and realignments involving the establishment or consolidation of a joint base.

"SA 2973. Mr. MENENDEZ submitted an amendment intended to be offered by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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 Department 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.

SA 2974. Mr. McCaIN submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 143. SENSE OF CONGRESS ON THE AIR FORCE STRATEGY FOR THE REPLACEMENT OF THE AERIAL REFUELING TANKER AIRCRAFT FLEET.**

It is the sense of Congress that—

(1) the timely modernization of the Air Force aerial refueling tanker fleet is a vital national security priority; and

(2) in furtherance of meeting this priority, the Secretary of the Air Force has initiated, and Congress approves of, a comprehensive strategy to replace the aerial refueling tanker aircraft fleet, which includes the following elements:

(A) Replacement of the aging tanker aircraft fleet and improved capabilities under the KC-X program of record which supports the tanker replacement strategy, through the purchase of new commercial derivative aircraft.

(B) Sustainment and extension of the legacy tanker aircraft fleet until replacement through depot-type modifications and upgrades to the KC-135 and KC-10 aircraft.

(C) Augmentation of the aerial refueling capability through aerial refueling Fee-for-Service.

SA 2975. Mr. Graham (for himself and Mr. Kerry) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

The Secretary of Defense shall report with in 60 days of enactment of this Act to House Armed Services Committee and the Senate Armed Services Committee on the status of implementing section 592 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.

SA 2976. Mr. Coburn submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

**SEC. 144. COMPETITION FOR THE PROCUREMENT OF INDIVIDUAL WEAPONS.**

(a) Service Certification.—Not later than March 1, 2008 each military service shall certify to the Secretary of Defense that it has new programs in place or has plans to place, that take into account lessons learned from combat operations.

(b) Joint Requirements Oversight Council (JROC) Certification.—Not later than June 1, 2008 the JROC shall certify individual weapon calibers that best satisfy the requirements described in (a).

(c) Competition Required.—Each military service shall rapidly conduct full and open competitions for procurements to fulfill the requirements described in (a) and (b).

(d) Procurements Covered.—This section applies to the procurement of individual weapons less than .50 caliber (to include shotguns).

SA 2977. Mr. Chambliss submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 837. PHYSICIANS AND HEALTH CARE PROFESSIONALS COMPARABILITY ALLOCATIONS.**

(a) Authority to Provide Allowances.—(1) 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 15 years;

(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. 701 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 302 of title 32, United States Code, shall be deemed service as a Department of Defense health care professional.

(C) Ineligibility.—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.

(D) Covered Categories of Positions.—The Secretary of Defense shall determine which positions are eligible for the 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.

(E) 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 exceed one year or exceed four years of service.

(F) Payment.—Unless otherwise provided for in the agreement under subsection (e), an allowance may not be paid under this section to any physician or health care professional who—

(1) has served as a Department of Defense 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;

(2) is employed in any position other than a full-time or part-time position, or is engaged in the practice of medicine, or is serving as a member of the commissioned corps of the Public Health Service Act (42 U.S.C. 202 et seq.), or is employed as a civilian worker while serving as an officer described under section 302 of title 32, United States Code, shall be deemed as one of the retirement benefits related to basic pay.

(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 5959 of chapter 55 of title 5, United States Code, chapters 81 or 86 of title 38, United States Code, or any 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 subsection may be exercised together with the authority in section 5948 of title 5, United States Code.

(b) ANNUAL REPORT.—
(1) ANNUAL REPORT.—Not later than June 30 of 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 operation of 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.

(c) REQUIREMENTS.—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 for pay under a provision or provisions of law as follows:
(A) Section 5332 of title 5, United States Code, relating to the General Schedule;
(B) a provision of chapter 55 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 Social Worker 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.

(i) T ERMINATION.—No agreement may be entered into under this section after September 30, 2012.

SA 2878. Mr. CHAMBLISS (for himself, and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON HOUSING PRIVATIZATION INITIATIVES.

(a) REPORT REQUIRED.—Not later than 180 days after 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 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 initiatives 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 renegotiations and competitions were conducted for the project;
(C) how financing, partnerships, legal arrangements, leases, or contracts in relation to the project;
(D) which entities, including Federal entities, are bearing financial risk for the project, and to what extent;
(E) the steps taken by 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 the property involved in 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 as to the manner in which the Federal Government to ensure that all terms of the transaction are completed according to the original schedule and budget.

SA 2979. Mr. HAGEL (for himself, Mr. BYRD) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 355. 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.

SA 2980. Mr. HAGEL submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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, 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; and
(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.

SA 2981. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to
the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 590, 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) the 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.


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

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

(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.

SA 2982. Mr. COLEMAN (for himself, Mr. INOUYE, and Mr. DOMENICI) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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 to read—

(5) The Secretary of Defense may authorize special reimbursement rates for covered employees for 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—

(a) an assessment of the extent to which TRICARE appeals on the continued viability of TRICARE Standard and TRICARE Extra are conducted under section 702 of this Act.

SA 2983. Mr. COLEMAN (for himself, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection C of title XV, add the following:

SEC. 1535. MODIFICATION OF AUTHORITIES RELATED TO THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.


(4) RULE OF CONSTRUCTION.—For purposes of carrying out the duties of the Special Inspector General for Iraq Reconstruction, any United States funds appropriated or otherwise made available for the reconstruction of Iraq is less than $250,000,000.

(b) JURISDICTION OVER RECONSTRUCTION FUNDS.—Such section is further amended by adding at the end the following new subsection:

(5) RULE OF CONSTRUCTION.—For purposes of carrying out the duties of the Special Inspector General for Iraq Reconstruction, any United States funds appropriated or otherwise made available for fiscal years 2008 through 2010 for the reconstruction of Iraq, funds are hereby authorized to be appropriated under section 4101, and the authorized personnel levels (expressed as full-time equivalent positions) of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill of the One Hundred Tenth Congress.
(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACTORS.—The Director of National Intelligence may authorize employment of civilian personnel in excess of the number of full-time equivalent personnel as of that date as are specified in the classified Schedule of Authorizations referred to in section 4102(a).

SEC. 4106. DEVELOPMENT AND ACQUISITION OF INTELLIGENCE SYSTEMS.

(a) TRANSFER OF FUNDS.—Of the funds appropriated for the National Intelligence Program for fiscal year 2008, and of funds currently available for such activity for any prior fiscal year, the Director of National Intelligence shall transfer not less than the amount specified in the classified annex to the Office of the Director of National Intelligence for development and acquisition of the program specified in the classified annex.

(b) AVAILABILITY OF FUNDS.—The funds transferred under subsection (a) shall be available as follows:

(1) In the case of funds transferred from funds currently available for obligation for any fiscal year before fiscal year 2008, for the time of availability as originally appropriated.

(2) In the case of funds transferred from funds appropriated for fiscal year 2008, without fiscal year limitation.

TITLE XII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEMS

SEC. 4201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2008 the sum of $252,500,000.

SEC. 4202. TECHNICAL MODIFICATION TO MAN-DATORY RETIREMENT PROVISION OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Section 255(h)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 415(b)(1)(A)) is amended by striking “receiving compensation under the Senior Intelligence Service pay schedule at the rate” and inserting “who is at the Senior Intelligence Service rate”.

TITLE XIII—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 4301. INCREASE IN EMPLOYEE COMPENSA-TION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salaries, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 4302. RESTRICTION ON CONDUCT OF INTEL-LIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 4303. CLARIFICATION OF DEFINITION OF IN-TELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(a)(4)) is amended by striking “other” the second place it appears.

SEC. 4304. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 401(a)(b)) is amended—

(1) by inserting “(1)” before “The Direct-

tor”;

(2) in paragraph (1), by striking “may only delegate” and all that follows and inserting “may delegate the authority in subsection (a) to the head of any other element of the intelligence community.”;

(3) by adding at the end the following new paragraphs:

“(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.”;

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMIT-TEES DEFINED.—In this section, the term “congressional intelligence committees” means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representative.

SEC. 4305. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTEL-LIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

“(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and”.

SEC. 4306. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.—Paragraph (d) of section 7342(a) of title 5, United States Code, is amended to read as follows:
“(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraph (1) and (B) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

(C) In this paragraph, the term ‘element of the intelligence community’ means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))."

SEC. 4308. ENHANCED FLEXIBILITY IN NON-REIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) In General.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h) and section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402e), standing as other provision of law, in any fiscal year after fiscal year 2007 an officer or employee of the United States or member of the Armed Forces may, to the extent that the element of the intelligence community funded through the Community Management Account from another element of the United States intelligence community is a reimbursable or non-reimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element (or the designee of such official), for a period not to exceed three years.

(b) Element of the Intelligence Community Defined.—In this section, the term ‘element of the intelligence community’ means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).


(a) Report Required.—Not later than December 1, 2007, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–364 and related provisions of the Military Commissions Act of 2006 (Public Law 109–366).

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

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1005 of the Detainee Treatment Act of 2005 (119 Stat. 2750; 50 U.S.C. 40200d) and section 6 of the Military Commissions Act of 2006 (120 Stat. 2632; 18 U.S.C. 2441 note) including the amendments made by such section 6, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005 (50 U.S.C. 401a(4)).”
(a) In General.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 4311, is further amended by inserting after section 506B, as added by section 4311, the following new section:

"ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY"

"SEC. 506C. (a) REQUIREMENT TO PROVIDE.—

The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for such element for the fiscal year following the fiscal year in which the assessment is submitted.

(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees not later than January 31, of each year.

(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following:

(1) The budget submission for personnel costs for the upcoming fiscal year.

(2) The percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

(3) The dollar and percentage increase or decrease in the costs of the current fiscal year.

(4) The number of personnel positions requested for the upcoming fiscal year.

(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

(7) The best estimate of the number and costs of contractors to be funded by the element of the intelligence community concerned during the fiscal year.

(8) The numerical and percentage increase or decrease of such costs as compared to the number of contractors, during the fiscal year.

(9) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

(10) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

(11) A statement by the Director of National Intelligence and the Intelligence Community Business Systems Management Committee established under subsection (f) that the intelligence community business system modernization described in paragraph (2) is required.

(12) The approval authority designated by the Director of National Intelligence under subsection (c)(2) makes the certification described in paragraph (3) with respect to the intelligence community business system modernization.

(13) The certification described in this paragraph is an annual certification of the intelligence community business system modernization that—

(A) will have a total cost in excess of $1,000,000; and

(B) will receive more than 50 percent of the funds for such cost from amounts appropriated for the National Intelligence Program.

(14) The certification described in this paragraph is an annual certification of the intelligence community business system modernization that—

(A) complies with the enterprise architecture under subsection (b); or

(B) is necessary because—

(i) to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

(ii) to prevent an adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect.

(15) The obligation of funds for an intelligence community business system modernization that does not comply with the requirements of this subsection shall be treated as a violation of section 1341(a)(1)(A) of title 31, United States Code.

(16) The Intelligence Community Business Systems Management Committee established under subsection (f) and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and personnel and contractor levels, and the number of contractors, during the prior 5 fiscal years.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by section 4311(b), is further amended by inserting after the items relating to section 506B, as added by section 4311(b), the following new item:

"Sec. 506C. Annual personnel level assessment for the intelligence community."
National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1106 of title 44, United States Code, the following information:

(1) An identification of each intelligence community business system for which funding is requested in such budget.

(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

(A) funds that are used for activities to operate and maintain such system; and

(B) funds for business systems modernization identified for each specific appropriation.

(3) For each such system, identification of approval authority designated for such system under subsection (c)(2).

(4) The certification, if any, made under subsection (a)(3) with respect to each such system.

(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEMS MANAGEMENT COMMITTEE.—(1) The Director of National Intelligence shall establish an Intelligence Community Business Systems Management Committee referred to in this subsection as the ‘Committee’.

(2) The Committee shall—

(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system modernization;

(B) ensure that funds are obligated for intelligence community business system modernization in a manner consistent with subsection (a); and

(C) carry out such other duties as the Director shall specify.

(b) ELEMENTS.—Each report under this section shall include, for the acquisition of a major system, information on the following:

(1) The term ‘enterprise architecture’ has the meaning given that term in section 3061 of title 10, United States Code.

(2) The terms ‘information system’ and ‘information technology’ have the meanings given those terms in section 11101 of title 40, United States Code.

(3) The term ‘intelligence community business system’ means an information system, other than a national security system, that is operated by, for, or on behalf of the intelligence community, including financial systems, mixed systems, financial data feeder systems, the business infrastructure capability shared by the systems of the business enterprise architecture that build upon the core infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

(4) The term ‘intelligence community business system modernization’ means—

(A) the acquisition or development of a new intelligence community business system; or

(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

(c) APPLICABILITY.—(1) The Committee shall develop an enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

(2) Nothing in this section shall be construed to limit the authorities of the Director of National Intelligence under section 11105 of title 40, United States Code.

(f) REPORTS.—Not later than March 15 of each of 2006 and 2007, and each of 2008 and 2009, in coordination with the Director, the Committee shall develop an implementation plan for the architecture, including the following:

(A) The acquisition strategy for new systems that are expected to be completed. Develop the enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(B) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will not be a part of the enterprise architecture, together with the schedule for the phased retirement of the utilization of any such systems.

(C) An identification of the intelligence community business systems operations or planned as of December 31, 2006, that will not be a part of the enterprise architecture, together with the schedule for the phased retirement of the utilization of any such systems.

(D) The acquisition strategy for new systems that are expected to be completed. Develop the enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(E) An identification of the intelligence community business systems that are not part of the enterprise architecture, together with the schedule for the phased retirement of the utilization of any such systems.

(2) The Committee shall—

(A) make known the results of any major test or evaluation of any major system that is operated by, for, or on behalf of the intelligence community, and periodically report to the Committee on the status of efforts to carry out an intelligence community business system modernization; and

(B) carry out such other duties as the Director shall specify.

(b) ELEMENTS.—Each report under this section shall include, for the acquisition of a major system, information on the following:

(1) The term ‘enterprise architecture’ has the meaning given that term in section 3061 of title 10, United States Code.

(2) The terms ‘information system’ and ‘information technology’ have the meanings given those terms in section 11101 of title 40, United States Code.

(3) The term ‘intelligence community business system’ means an information system, other than a national security system, that is operated by, for, or on behalf of the intelligence community, including financial systems, mixed systems, financial data feeder systems, the business infrastructure capability shared by the systems of the business enterprise architecture that build upon the core infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

(4) The term ‘intelligence community business system modernization’ means—

(A) the acquisition or development of a new intelligence community business system; or

(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

(c) APPLICABILITY.—(1) The Committee shall develop an enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

(2) Nothing in this section shall be construed to limit the authorities of the Director of National Intelligence under section 11105 of title 40, United States Code.

(f) REPORTS.—Not later than March 15 of each of 2006 and 2007, and each of 2008 and 2009, in coordination with the Director, the Committee shall develop an implementation plan for the architecture, including the following:

(A) The acquisition strategy for new systems that are expected to be completed. Develop the enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(B) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will not be a part of the enterprise architecture, together with the schedule for the phased retirement of the utilization of any such systems.

(C) An identification of the intelligence community business systems operations or planned as of December 31, 2006, that will not be a part of the enterprise architecture, together with the schedule for the phased retirement of the utilization of any such systems.

(D) The acquisition strategy for new systems that are expected to be completed. Develop the enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(E) An identification of the intelligence community business systems that are not part of the enterprise architecture, together with the schedule for the phased retirement of the utilization of any such systems.

(2) The Committee shall—

(A) make known the results of any major test or evaluation of any major system that is operated by, for, or on behalf of the intelligence community, and periodically report to the Committee on the status of efforts to carry out an intelligence community business system modernization; and

(B) carry out such other duties as the Director shall specify.

(b) ELEMENTS.—Each report under this section shall include, for the acquisition of a major system, information on the following:

(1) The term ‘enterprise architecture’ has the meaning given that term in section 3061 of title 10, United States Code.

(2) The terms ‘information system’ and ‘information technology’ have the meanings given those terms in section 11101 of title 40, United States Code.

(3) The term ‘intelligence community business system’ means an information system, other than a national security system, that is operated by, for, or on behalf of the intelligence community, including financial systems, mixed systems, financial data feeder systems, the business infrastructure capability shared by the systems of the business enterprise architecture that build upon the core infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

(4) The term ‘intelligence community business system modernization’ means—

(A) the acquisition or development of a new intelligence community business system; or

(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

(c) APPLICABILITY.—(1) The Committee shall develop an enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

(2) Nothing in this section shall be construed to limit the authorities of the Director of National Intelligence under section 11105 of title 40, United States Code.

(f) REPORTS.—Not later than March 15 of each of 2006 and 2007, and each of 2008 and 2009, in coordination with the Director, the Committee shall develop an implementation plan for the architecture, including the following:

(A) The acquisition strategy for new systems that are expected to be completed. Develop the enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(B) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will not be a part of the enterprise architecture, together with the schedule for the phased retirement of the utilization of any such systems.

(C) An identification of the intelligence community business systems operations or planned as of December 31, 2006, that will not be a part of the enterprise architecture, together with the schedule for the phased retirement of the utilization of any such systems.

(D) The acquisition strategy for new systems that are expected to be completed. Develop the enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(E) An identification of the intelligence community business systems that are not part of the enterprise architecture, together with the schedule for the phased retirement of the utilization of any such systems.
section 4314(a), the following new section:

"(1) the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such major system, stated both in constant dollars and current year dollars;

"(2) a statement of the reasons for any increases in the full life-cycle cost of such major system;

"(3) the new estimates of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

"(4) the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

"(5) the completion status of such major system expressed as the percentage—

"(i) of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

"(ii) of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

"(6) any changes made in the performance or schedule of such major system and the extent to which such changes have contributed to the increase in full life-cycle costs of such major system.

"(C) The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

"(1) the acquisition of such major system is essential to the national security;

"(2) there are no alternatives to such major system to provide equal or greater intelligence capability at equal or lesser cost to completion;

"(3) the new estimates of the full life-cycle cost for such major system are reasonable; and

"(4) the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

SEC. 4315. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.

(a) Notification.—Title V of the National Security Act of 1947, as amended by sections 4311 through 4314, is further amended by inserting after the item relating to section 506E, as added by section 4313(a)(2), the following new item:

"Sec. 506E. Submit to Congress of certain other orders under the Foreign Intelligence Surveillance Act of 1978.

"(8) if a written certification required under subsection (a)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2).

"(2) If a written certification required under subsection (b)(1) is not submitted to the congressional intelligence committees within 30 days of the date on which funds appropriated for the acquisition of a major system are obligated under subsection (b)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(2).

"(D) Definitions.—In this section:

"(1) the term 'acquisition cost' has the meaning given that term in section 506E(d).

"(2) the term 'baseline cost', with respect to a major system, means the projected acquisition cost of such system on the date the contract for the development, procurement, and construction of the system is awarded.

"(3) the term 'full life-cycle cost' has the meaning given that term in section 506E(d).

"(4) the term 'independent cost estimate' has the meaning given that term in section 506A(e).

"(5) the term 'major system' has the meaning given that term in section 506A(e).

SEC. 4316. SUBMITTAL TO CONGRESS OF CERTAIN OTHER ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMIANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking "(not including orders)" and inserting "(not including orders and)".

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—That section is further amended by adding at the end the following new subsection:

"(a) the Attorney General shall submit to the committees of Congress referred to in subsection (a)

"(1) a copy of any such decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

"(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 and not previously submitted in a report under subsection (a)

SEC. 4317. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL CLIMATE CHANGE.

(a) REQUIREMENT FOR NATIONAL INTELLIGENCE ESTIMATE.—

"(1) in general.—Except as provided in paragraph (2), not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate (NIE) on the anticipated geopolitical
effects of global climate change and the implications of such effects on the national security of the United States.  

(2) NOTICE REGARDING SUBMITTAL.—If the Director of National Intelligence determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit a report to the Committee on Intelligence stating that the National Intelligence Estimate cannot be submitted by such date; and

(i) the reasons that the National Intelligence Estimate cannot be submitted by such date; and

(ii) an anticipated date for the submittal of the National Intelligence Estimate.

(b) CONTENT.—The Director of National Intelligence shall prepare the National Intelligence Estimate required by this section using the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change—

(1) to assess the political, social, agricultural, and economic risks during the 30-year period beginning on the date of the enactment of this Act posed by global climate change for countries or regions that are—

(A) of strategic economic or military importance to the United States and at risk of significant impact due to global climate change; or

(B) at significant risk of large-scale humanitarian suffering with cross-border implications as predicted on the basis of the assessments;

(2) to assess other risks posed by global climate change, including increased conflict over resources, particularly between ethnic minorities, within countries or transnationally, increased displacement or forced migrations of vulnerable populations due to inundation or other increasing food insecurity, and increased risks to human health from infectious disease;

(3) to assess the capabilities of the countries or regions mentioned in subparagraph (A) or (B) of paragraph (1) to respond to adverse impacts caused by global climate change; and

(4) to make recommendations for further assessments of security consequences of global climate change that would improve national security planning.

(c) COORDINATION.—In preparing the National Intelligence Estimate under this section, the Director of National Intelligence shall consult with representatives of the scientific community, including atmospheric and climate studies, security studies, conflict studies, economic assessments, and environmental studies, the Department of Defense, the Secretary of State, the Administrator of the National Oceanographic and Atmospheric Administration, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of Agriculture, and, if appropriate, multilateral institutions and allies of the United States that have conducted significant research on global climate change.

(d) ASSISTANCE.—

(1) AGENCIES OF THE UNITED STATES.—In order to produce the National Intelligence Estimate required by paragraph (a), the Director of National Intelligence may request any appropriate assistance from any agency, department, or other entity of the United States Government and such agency, department, or other entity shall provide the assistance requested.

(2) OTHER ENTITIES.—In order to produce the National Intelligence Estimate required by paragraph (a), the Director of National Intelligence may request any appropriate assistance from any other person or entity.

(3) AUTHORIZATION OF APPROPRIATIONS.—The Director of National Intelligence is authorized to provide appropriate reimbursement to the head of an agency, department, or entity of the United States Government that provides support requested under paragraph (1) or any other person or entity that provides assistance requested under paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary to carry out this subsection.

(e) FORM.—The National Intelligence Estimate required by this section shall be submitted in such form as is consistent with the protection of intelligence sources and methods, and include unclassified annexes.

(f) DUAL USE.—The National Intelligence Estimate may include a classified annex.

SEC. 4318. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—

(1) REPEAL.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(2) CLEANSING.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 109.

(3) ANNUAL REPORTS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesigning subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(b) ANNUAL REPORT ON SAFETY AND SECURITY OF RUSSIAN NUCLEAR FACILITIES AND FORCES.—Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by striking subsection (b); and

(2) by redesigning subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) ANNUAL REPORT ON COUNTERCOUNTER INTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 422b) is amended—

(1) by striking “(1)”; and

(2) by striking paragraph (2).

(d) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 345 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesigning subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.


(f) SEMI-ANNUAL REPORTS ON CONTRIBUTIONS TO PROLIFERATION EFFORTS CONDUCTED AGAINST THE PROLIFERATION CHALLENGE.—Section 722 of the Combating Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369) is repealed.

(g) CONFORMING AMENDMENTS.—Section 507(a) of the National Security Act of 1947 (50 U.S.C. 1150a) is amended—

(1) in paragraphs (A) and (B) by striking subparagraphs (A) and (B); and

(2) in paragraph (C) by redesigning subparagraphs (A) and (D); and

(3) by redesigning subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(4) by striking subparagraph (A), as redesignated by subparagraph (B) of this paragraph, by striking “114(c)” and inserting “114(b)”.

TITLE XIV.—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 4401. REQUIREMENTS FOR ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Subtitle (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 404) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3)—

(A) by striking “2004,” and inserting “2004 (50 U.S.C. 403 note),”;

(B) by inserting the period at the end and inserting a semicolon and “and”;

and

(3) by inserting after paragraph (3), the following new paragraph:

“(7) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct accountability reviews of elements of the intelligence community or the personnel of such elements in relation to significant failures or deficiencies within the intelligence community.”.

(b) TASKING AND OTHER AUTHORITIES.—

(1) ANNUAL REPORT ON INTELLIGENCE.—Section 1 of the National Security Reform Act of 2004 (title I of Public Law 108–458) is amended—

(4) by designating paragraphs (7) and (8), as paragraphs (b) and (8), respectively; and

(2) by inserting after paragraph (6), the following new paragraph:

“(7) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting accountability reviews under subparagraph (A).”.

(c) ANNUAL REPORT ON INTELLIGENCE.—Subsection (b) of section 102A of the National Security Act of 1947 (50 U.S.C. 404) is amended—

(1) by striking subsection (d); and

(2) by redesigning subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(d) ANNUAL REPORT ON SECURITY AND SAFETY.—Section 115 of the National Security Act of 1947 (50 U.S.C. 404) is amended—

(1) by striking subsection (c); and

(2) by redesigning subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(e) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 345 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesigning subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.


(g) SEMI-ANNUAL REPORT ON CONTRIBUTIONS TO PROLIFERATION EFFORTS CONDUCTED AGAINST THE PROLIFERATION CHALLENGE.—Section 722 of the Combating Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369) is repealed.

(h) CONFORMING AMENDMENTS.—Section 507(a) of the National Security Act of 1947 (50 U.S.C. 1150a) is amended—

(1) in paragraphs (A) and (B) by redesigning subparagraphs (A) through (N) as subparagraphs (A) through (L), respectively; and

(2) in paragraph (2) by redesigning subparagraphs (A) and (D); and

(3) by redesigning subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(4) by striking paragraph (A), as redesignated by subparagraph (B) of this paragraph, by striking “114(c)” and inserting “114(b)”.

SEC. 4402. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE

(a) AUTHORITY OF THE DIRECTOR.—Section 114 of the National Security Act of 1947 (50 U.S.C. 404) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon and “and”;

and

(3) at the end of the following new paragraph:

“(G) in carrying out this subsection, without regard to any other provision of law (other than this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458)), expend funds and make funds available to other department or agency of the United States for, and direct the development and fielding of, systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information and

(H) for purposes of addressing critical gaps in intelligence information sharing or
SEC. 4403. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: ‘‘, and the Chief Information Officer of the Intelligence Community’’.

SEC. 4404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

‘‘(e) ADDITIONAL ADMINISTRATIVE AUTHORITY.—(1) Notwithstanding section 1346 of title 44, United States Code, any Deputy Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, and in coordination with the Director of the Office of Personnel Management—

‘‘(A) convert such competitive service positions, and their incumbents, within an element of the intelligence community to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element;

‘‘(B) establish the classification and ranges of rates of basic pay for positions so converted, notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

‘‘(2) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

‘‘(3) Any grant of authority under this subsection for a position shall terminate at the concurrence of the Director of National Intelligence.

‘‘(4) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5311 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

‘‘(5) Any grant of authority under this subsection that is not contested by the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, and in coordination with the Director of the Office of Personnel Management—

‘‘(A) convert such excepted service positions, and their incumbents, within an element of the intelligence community to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element;

‘‘(B) establish the classification and ranges of rates of basic pay for positions so converted, notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

‘‘(3) The rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5311 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

‘‘(4) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

‘‘(5) The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence.

‘‘(6) The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence.

SEC. 4405. ENHANCEMENT OF AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is further amended by adding at the end the following new subsection:

‘‘(1) Authority To Establish Positions in Excepted Service.—(A) The Director of National Intelligence may, with the concurrence of the head of the department or agency concerned and in coordination with the Director of the Office of Personnel Management—

‘‘(i) convert such competitive service positions, and their incumbents, within an element of the intelligence community to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element;

‘‘(ii) establish the classification and ranges of rates of basic pay for positions so converted, notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

‘‘(B) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

‘‘(C) The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence.

‘‘(2) Authority under this subsection may be granted or exercised—

‘‘(i) only to the extent necessary to recruit or retain an individual exceptionally well qualified for the position;

‘‘(ii) only to the extent necessary to reclassify an individual having an equal or higher level of expertise;

‘‘(iii) for a term of not more than two years; and

‘‘(iii) for a term of not more than two years; and

‘‘(2) Authority under this subsection may be granted or exercised—

‘‘(A) only with respect to a position which requires an unusually high level of expertise, and is critical to successful accomplishment of an important mission; and

‘‘(B) only to the extent necessary to reclassify an individual exceptionally well qualified for the position.

‘‘(3) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5311 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence.

‘‘(4) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

‘‘(5) Any grant of authority under this subsection that is not contested by the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, and in coordination with the Director of the Office of Personnel Management—

‘‘(A) convert such excepted service positions, and their incumbents, within an element of the intelligence community to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element;

‘‘(B) establish the classification and ranges of rates of basic pay for positions so converted, notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

‘‘(2) The Director of National Intelligence may establish the classification and ranges of rates of basic pay for any position established under this paragraph.

‘‘(3) The rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5311 of title 5, United States Code.

‘‘(4) The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence.

‘‘(5) Any grant of authority under this subsection that is not contested by the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, and in coordination with the Director of the Office of Personnel Management, authorize one or more elements of the intelligence community to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for an equivalent category or in an equivalent situation.

‘‘(6) Any grant of authority under this subsection that is not contested by the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, and in coordination with the Director of the Office of Personnel Management, authorize one or more elements of the intelligence community to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for an equivalent category or in an equivalent situation.

‘‘(6) Any grant of authority under this subsection that is not contested by the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, and in coordination with the Director of the Office of Personnel Management, authorize one or more elements of the intelligence community to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for an equivalent category or in an equivalent situation.

‘‘(6) Any grant of authority under this subsection that is not contested by the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, and in coordination with the Director of the Office of Personnel Management, authorize one or more elements of the intelligence community to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for an equivalent category or in an equivalent situation.

‘‘(6) Any grant of authority under this subsection that is not contested by the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, and in coordination with the Director of the Office of Personnel Management, authorize one or more elements of the intelligence community to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for an equivalent category or in an equivalent situation.
SEC. 4408. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a), by inserting "of the Intelligence Community" after "Chief Information Officer";

(2) in subsection (b), by inserting "of the Intelligence Community" after "Chief Information Officer";

(3) in subsection (e), by inserting "of the Intelligence Community" after "Chief Information Officer"; and

(4) in subsection (d), by inserting "of the Intelligence Community" after "Chief Information Officer".

SEC. 4409. RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

"RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(1) The Director of National Intelligence shall establish an Office of the Director of National Intelligence (in this section referred to as the 'Reserve').

(2) The Reserve shall be subject to the direction and approval of the Inspector General of the Intelligence Community, and the Director of National Intelligence.

(3) The Reserve shall be available for such purposes as are provided for the Office of the Director of National Intelligence or the separate elements of the intelligence community.

(4) No amount may be transferred to the Reserve except upon the written direction of the Inspector General of the Intelligence Community.

SEC. 4410. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 103G of this Act, is further amended by inserting after section 103H the following new section:

"INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(1) The Office of the Inspector General of the Intelligence Community is created.

(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

(1) carry out a continuing review of the Director of National Intelligence; and

(2) prevent and detect fraud and abuse in such matters;
“(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

“(1) to promulgate policy and, to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibilities and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations.

“(2) The Inspector General of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and to report the progress made toward implementing corrective action.

“(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence questions and methods described in such reports; and

“(4) in the execution of the duties and responsibilities under this section, to comply with any generally accepted government auditing standards.

(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit, if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

“(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

“(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

“(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

(f) AUTHORITY.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence for the purpose of securing information relating to the responsibilities under this section.

“(2) Subject to applicable law and the jurisdiction of the Inspector General, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary for the operation of the Inspector General.

(g) COORDINATION AMONG INSPECTORS GENERAL.—(1) The Inspector General of the Intelligence Community shall operate with the Inspector General of the Office of the Director of National Intelligence to ensure the continued operation of the Inspector General of the Office of the Director of National Intelligence.

“(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall coordinate such investigation, inspection, or audit with any other Inspector General, including the Inspector General of the Office of the Director of National Intelligence, the Inspector General of the Office of the Director of National Intelligence, the Inspector General of the Office of the Director of National Intelligence, and any Inspector General, but shall serve as a forum for resolution.

“(3) The Inspector General shall establish and maintain a forum for the purpose of conducting a joint investigation, inspection, or audit who did not initiated, carried out, or completed any investigation, inspection, or audit to the extent consistent with the purpose and objective of such investigations, inspections, or audits and the responsibilities of the Inspector General.

“(4) The Inspector General shall have authority to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

“(5) The Inspector General shall select, appoint, and employ such officers and employees as may be necessary for the operation of the Inspector General.

“(6) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

“(7) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

“(8) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit conducted by the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community shall consult with the Inspector General of the Intelligence Community and the Inspector General of the Intelligence Community shall expeditiously resolve the question of which Inspector General shall conduct such investigation, inspection, or audit.

“(9) In the event of a dispute between an Inspector General of the Intelligence Community and an Inspector General of the Office of the Director of National Intelligence concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and to report the progress made toward implementing corrective action.

“(10) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence questions and methods described in such reports; and

“(11) in the execution of the duties and responsibilities under this section, to comply with any generally accepted government auditing standards.

(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate staff and other support to carry out the responsibilities under this section, including office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(2) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary for the operation of the Inspector General and the head of the department for resolution.

“(3) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative Inspectors General with oversight responsibility for an element or elements of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any Inspector General. The Forum shall be a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussion of best practices. Access to employees, contractors, records, audits, reviews, documents, recommendations, or other materials that may be made available to or of assistance to more than one of its members.

“(4) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall coordinate such investigation, inspection, or audit with any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

“(5) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate staff and other support to carry out the responsibilities under this section, including office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(2) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary for the operation of the Inspector General.

“(3) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.
necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

"(B) The Inspector General shall, for information or assistance under subparagraph (A), the head of the department, agency, or other element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(C) The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

"(D) Each report under this paragraph shall include, at a minimum, the following:

"(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report.

"(ii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (i).

"(iii) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

"(iv) A certification whether or not the Inspector General has had full and direct access to all information and other elements needed by the Inspector General during the period covered by such report.

"(v) Such recommendations as the Inspector General deems pertinent to the performance of the functions of the Inspector General.

"(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

"(vii) Such recommendations as the Inspector General deems pertinent to the performance of the functions of the Inspector General in the detection and elimination of fraud and abuse in such matters.

"(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees, and, in the Director's discretion, the Director shall transmit the report to the congressional intelligence committees.

"(D) The Inspector General shall transmit to the committees of the Senate and the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

"(E) The Inspector General shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

"(F) The Inspector General shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

"(G) In this paragraph—

"(i) The Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

"(ii) An employee of an element of the intelligence community or a former employee of such element is subject to appointment by the Director, the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

"(H) In support of this paragraph, Congress shall determine whether the Inspector General may report such complaint or information to the Inspector General.

"(I) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information is credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

"(J) Not later than 30 days after the determination described in subparagraph (I) is made, the Inspector General shall transmit to the congressional intelligence committees the report described in subparagraph (A) and make a finding to the congressional intelligence committees with respect to the complaint or information.

"(K) The Inspector General shall, by means of any such finding, inform the congressional intelligence committees of the results of the investigation or audit.

"(L) An employee of a component of the United States Intelligence Community shall provide any portion of the report involving a component of such department to the congressional intelligence committees directly as described in clause (i) only if the employee—

"(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's official capacity as a member or employee of such committee.

"(J) An employee of the Inspector General shall not find credible under subparagraph (B) a complaint or information submitted under paragraph (A), or does not transmit the complaint or information to the Director in accordance form under subparagraph (B), the employ-ee's subject to clause (ii) may submit the complaint or information directly to Congress by contacting either or both of the congressional intelligence committees.

"(K) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

"(L) by and with the advice and consent of the Senate, including such a position held on an acting basis;

"(M) holds or held a position in an element of the intelligence community that is subject to appointment by the Director, the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

"(N) In the event that—

"(i) The Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

"(ii) An employee of the intelligence community or a former employee of such element is subject to appointment by the Director, the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

"(O) The Inspector General shall, by means of any such finding, inform the congressional intelligence committees of the results of the investigation or audit.

"(P) The Inspector General shall, by means of any such finding, inform the congressional intelligence committees of the results of the investigation or audit.

"(Q) The Inspector General shall, by means of any such finding, inform the congressional intelligence committees of the results of the investigation or audit.

"(R) The Inspector General shall, by means of any such finding, inform the congressional intelligence committees of the results of the investigation or audit.

"(S) The Inspector General shall, by means of any such finding, inform the congressional intelligence committees of the results of the investigation or audit.

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"(V) The Inspector General shall, by means of any such finding, inform the congressional intelligence committees of the results of the investigation or audit.

"(W) The Inspector General shall, by means of any such finding, inform the congressional intelligence committees of the results of the investigation or audit.

"(X) The Inspector General shall, by means of any such finding, inform the congressional intelligence committees of the results of the investigation or audit.

"(Y) The Inspector General shall, by means of any such finding, inform the congressional intelligence committees of the results of the investigation or audit.

"(Z) The Inspector General shall, by means of any such finding, inform the congressional intelligence committees of the results of the investigation or audit.

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SEC. 4412. NATIONAL SPACE INTELLIGENCE OFFICE

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Office.

(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE OFFICE.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Office.

(c) MISSIONS.—The National Space Intelligence Office shall have the following missions:

(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

(3) To identify a framework or other document designated by the Director of National Intelligence for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including participation in support education, recruitment, hiring, training, and retention of qualified personnel.

(4) To establish an independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Office has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Office to carry out the missions of the Office.

(e) REPORT TO INTELLIGENCE COMMUNITY.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Office.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 4409 of this Act, is further amended by inserting after the item relating to section 103H the following new item:

"Sec. 103I. Inspector General of the Intelligence Community."

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General of the Intelligence Community."

SEC. 4411. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICERS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 4046–1a) is amended—

(1) by striking "(a) ESTABLISHMENT.—Not later than 18 months after the date of enactment of the National Security Intelligence Reform Act of 2004, the" and inserting the following:

"(a) IN GENERAL.—"(1) ESTABLISHMENT.—The; and"

(2) by striking "directed at the end the following new paragraphs:

"(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence."

"(3) LOCATION.—The National Counter Proliferation Center shall be located with the Office of the Director of National Intelligence."

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 4046–1a) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (9) the following new paragraph:

"(9) The Chief Information Officer of the Intelligence Community."

"(10) The Inspector General of the Intelligence Community."

"(11) The Director of the National Counterterrorism Center."

"(12) The Director of the National Counter Proliferation Center."

SEC. 4413. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"SEC. 706. (a) RECORDS FROM EXEMPTED OPERATIONAL FILES.—(1) Any record disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the exempted operational files of elements of the intelligence community that are not disseminated in accordance with subparagraph (A)(i), and any operational files created by the Office of the Director of National Intelligence that incorporate such record in accordance with subparagraph (A)(ii), shall be exempted from the provisions of section 552 of title 5, United States Code that require search, review, publication or disclosure in connection therewith, in any instance in which—

"(A)(i) such record is shared within the Office of the Director of National Intelligence and not disseminated by that Office beyond that Office; or

"(ii) such record is incorporated into new records created by personnel of the Office of the Director of National Intelligence and included in operational files of the Office of the Director of National Intelligence and such record is not disseminated by that Office beyond that Office; and

"(B) the operational files from which such record has been obtained continue to remain designated as operational files exempted from section 552 of title 5, United States Code.

"(2) The operational files of the Office of the Director of National Intelligence referred to in paragraph (1)(A)(ii) shall be similar in nature to the operational files from which the record was disseminated or provided, as such files are defined in this title.

"(3) Records disseminated or otherwise provided to the Office of the Director of National Intelligence from other elements of the intelligence community that are not protected by paragraph (1), and that are authorized to be disseminated beyond the Office of the Director of National Intelligence, shall be subject to search, review, and release under section 552 of title 5, United States Code, but may continue to be exempted from the publication and disclosure provisions of that section to the extent that such section permits.

"(4) Notwithstanding any other provision of this title, records in the exempted operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency shall not be subject to the search and review provisions of section 552 of title 5, United States Code, solely because they have been disseminated to an element or elements of the Office of the Director of National Intelligence, or referenced in operational files of the Office of the Director of National Intelligence and that are not disseminated beyond the Office of the Director of National Intelligence.

"(5) Notwithstanding any other provision of this title, the incorporation of records from the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency, into operational files of the Office of the Director of National Intelligence shall not subject record or files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the
OPERATIONAL FILES.—(1) Not less than once the Intelligence Community.

conduct of an intelligence activity:

order, or Presidential directive, in the con-

impropriety, or violation of law, Executive

States Code.

the provisions of section 552 of title 5, United

codes shall be subject to search and review.

pursuant to the provisions of section 552 or

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Code.

ligence Agency to the search and review pro-

files of the Office of the Director of National

files shall be subject to search, review, publi-

cation, or disclosure:

(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

(c) SEARCH AND REVIEW FOR CERTAIN

PURPOSERS—The exempted files of the Office of the Director of National Intelligence which are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

(c) SEARCH AND REVIEW FOR CERTAIN

PURPOSSERS—The exempted files of the Office of the Director of National Intelligence which are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

(c) SEARCH AND REVIEW FOR CERTAIN

PURPOSSERS—The exempted files of the Office of the Director of National Intelligence which are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

(c) SEARCH AND REVIEW FOR CERTAIN

PURPOSSERS—The exempted files of the Office of the Director of National Intelligence which are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

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PURPOSSERS—The exempted files of the Office of the Director of National Intelligence which are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

(c) SEARCH AND REVIEW FOR CERTAIN

PURPOSSERS—The exempted files of the Office of the Director of National Intelligence which are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

(c) SEARCH AND REVIEW FOR CERTAIN

PURPOSSERS—The exempted files of the Office of the Director of National Intelligence which are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

(c) SEARCH AND REVIEW FOR CERTAIN

PURPOSSERS—The exempted files of the Office of the Director of National Intelligence which are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

(c) SEARCH AND REVIEW FOR CERTAIN

PURPOSSERS—The exempted files of the Office of the Director of National Intelligence which are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

(c) SEARCH AND REVIEW FOR CERTAIN

PURPOSSERS—The exempted files of the Office of the Director of National Intelligence which are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.
(d) ROLE OF DNI IN APPOINTMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403(b)(2)) is amended by adding at the end the following new subparagraph:

"(j) The Deputy Director of the Central Intelligence Agency;"

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, or

(2) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 4422. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY OF REQUIREMENT FOR ANNUAL REPORT ON PROGRESS IN ADEQUATE FINANCIAL STATEMENTS.

Section 114A of the National Security Act of 1947 (50 U.S.C. 404-1) is amended by striking "the Director of the Central Intelligence Agency,."

SEC. 4423. ADDITIONAL FUNCTIONS AND AUTHORITY FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 804(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a(a)(4)) is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated—

"(a) by striking "and the protection" and inserting "the protection"; and

"(b) by striking the semicolon and inserting "; and"

and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may direct, or

(3) by adding at the end the following new subparagraph:

"(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only with the prior written approval of the Director and the Attorney General and such personnel may not exercise any authority for the purpose of Federal retirement benefits, the retirement benefits actually paid such employees, the entitlement of such employees to any payments for future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

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

SEC. 4424. TECHNICAL AMENDMENTS RELATING TO TITLES OF CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS.


(1) in the heading, by striking "Executive Director" and inserting "Associate Deputy Director;"

(2) in clause (i), by striking "Director of National Cryptologic Service" and inserting "Director of National Cryptologic Service"; and

(3) in clause (iv), by striking "Deputy Director for Administration" and inserting "Director for Support".

SEC. 4425. DIRECTOR OF NATIONAL INTELLIGENCE BENEFITS FOR FORMER EMPLOYEES OF AIR FORCE AMERICA.

(a) In General.—Not later than 120 days after the date of enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air Force America or an associated company who were employed by the United States Government and operated or managed by the Central Intelligence Agency.

The report required by subsection (a) shall include the following:

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

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

(2) the workforce of such companies;

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

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

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

(c) An assessment of the difference between—

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

(2) the retirement benefits that such employees would have received in the future if such companies had not been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.
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September 20, 2007

(e) Definitions.—In this section:
(1) The term “Air America” means Air America, Incorporated.
(2) The term “associated company” means any entity either owned by, or operated in conjunction with, or wholly or partially owned by or with, or wholly or partially controlled by, or wholly or partially owned or controlled by, Air America, Incorporated, or the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 4431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) Termination of Employees.—Subsection (a) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting “terminated” in place of “terminated either by” and all that follows therethrough and inserting “Agency efforts” in place of “the efforts of the Agency to the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency or the Agency shall have specified in the agreement of the employee under this subsection; and”.

(b) Authority To Withhold Disclosure of Affiliation With NSA.—Subsection (e) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking “(1) When an employee” and all that follows thereof through “(2) Agency efforts” and inserting “Agency efforts” in place of “the efforts of the Agency to the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency or the Agency shall have specified in the agreement of the employee under this subsection; and”.

SEC. 4432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

(a) Coverage Under Inspector General Act of 1978.—The Inspector General Act of 1978 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

“SEC. 21. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

(b) Such personnel designated to perform protective functions shall be authorized by the Director to perform protective functions pursuant to subsection (a) and to be authorized to perform protective functions by the Inspector General, when engaged in the performance of such functions, to make arrests without a warrant for—

(A) an offense against the United States committed in the presence of such personnel;

(B) any felony cognizable under the laws of the United States if there are reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(c) Nothing in this section shall be construed to impair or otherwise affect any authority of the Director, or any other provision of law relating to the performance of protective functions.

SEC. 4433. INSPECTOR GENERAL MATTERS.


(1) by inserting “the Defense Intelligence Agency,” after “the Corporation for Public Broadcasting;”;

(2) by inserting “the National Geospatial-Intelligence Agency, the National Endowment for the Arts;” and

(3) by inserting “the National Reconnaissance Office, the National Security Agency, after the National Labor Relations Board;”.

(b) Certain Designations Under Inspector General Act of 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

“(3) The Inspector General of the National Security Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency may designate personnel of the Inspector General of the Department of Defense for purposes of this section.”.

(c) Power of Heads of Elements over Investigations.—Subsection (d) of section 8G of that Act—

(1) by inserting “(1)” after “(d);”;

(2) in the second sentence of paragraph (1), as designated by the Inspector General, this paragraph, by striking “The head” and inserting “Except as provided in paragraph (2), the head;”;

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

“(2)(A) The Director of the National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall notify the committees of Congress specified in subparagraph (E) of an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

(C) At the same time the Director or the Secretary submits under subparagraph (A), the Director or the Secretary, as the case may be, may notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on or recommendation concerning the statement submitted by the Director or the Secretary under subparagraph (A).

(D) The elements of the intelligence community specified in this subparagraph are as follows:

(i) The Defense Intelligence Agency.

(ii) The National Geospatial-Intelligence Agency.

(iii) The National Reconnaissance Office.

(iv) The National Security Agency.

(E) The committees of Congress specified in this subparagraph are—

(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 4434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) Director of National Security Agency.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding after the first sentence the following new section:

“SEC. 2. (a) There is a Director of the National Security Agency.

(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided for in this section or by law.”.

(b) Director of National Geospatial-Intelligence Agency.—Section 441(b) of title 10, United States Code, is amended—

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

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

“(2) The Director of the National Geospatial-Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.”.

(c) Director of National Reconnaissance Office.—The Director of National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) Positions of Importance and Responsibility.—

(1) Designation of Positions.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) Covered Positions.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) Effective Date and applicability.—

(1) In General.—The provisions made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the appointment of the Director.

(2) Positions of Importance and Responsibility.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

“(1) by redesigning paragraph (2) as paragraph (3);”;

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

“(2) The Director of the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

(3) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to classification or dissemination limitations related to the collection of, handheld or clandestine
photography taken by or on behalf of human intelligence collection organizations.”; and

(3) in paragraph (3), as so redesignated, by striking “paragraph (1)” and inserting “paragraph (1)”.

SEC. 4306. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY AS THE NATIONAL GEOGRAPHIC INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, carry out and provide for the use of contractor personnel in investigations and adjudications for security clearances that is identical to the central security authority of the Director of the National Security Agency with respect to the National Security Agency.

SEC. D—Other Elements

SEC. 4441. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subsection (h)—

(A) by inserting “the Coast Guard,” after the Marine Corps,”; and

(B) by inserting “Drug Enforcement Administration,” after “the Federal Bureau of Investigation”;

and

(2) in subparagraph (D), by striking “the Director of Central Intelligence” and inserting “Director of National Intelligence”;

SEC. 4442. CLARIFYING AMENDMENTS RELATING TO TITLE 50 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.


(1) by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”;

and

(2) by inserting “or in section 313 of such title,” after “subsection (a)).”

SEC. 4501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) in subsection (c)(3)(A), by striking “annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities” and inserting “annual budgets for the Military Intelligence Program or any successor program or programs”;

(2) in subsection (d)(1)(B), by striking “Joint Military Intelligence Program” and inserting “Military Intelligence Program or any successor program or programs”.

SEC. 4502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO joint military intelligence program and tactical intelligence and related activities.

Section 102(a) of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking “annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities” and inserting “annual budgets for the Military Intelligence Program or any successor program or programs”; and

(2) in subsection (d)(1)(B), by striking “Joint Military Intelligence Program” and inserting “Military Intelligence Program or any successor program or programs”.

SEC. 4503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) in section 101(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking “Attorney General” the second place it appears and inserting “Department of Justice”;

(2) in section 101(5) (51 U.S.C. 601 note) —

(A) in subsection (d)(4)(A), by striking “National Intelligence Director” and inserting “Director of National Intelligence”; and

(B) in subsection (d)(5)(A) by striking “National Intelligence Director” and inserting “Director of National Intelligence”;

(3) in section 107(e), by striking “(1)”;

(4) in section 107(b), by inserting “AGENCY” after “INTELLIGENCE”;

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) in section 2001 (28 U.S.C. 532 note) —

(A) in subsection (o)(1), by inserting “or” before “an institutional culture”;

(B) in subsection (e)(2), by striking “the National Intelligence Director in a manner consistent with the Director of National Intelligence” and inserting “the Director of National Intelligence in a manner consistent with applicable law”; and

(C) in subsection (i), by striking “shall,” in the matter preceding paragraph (1) and inserting “shall”;

(2) in section 2006 (28 U.S.C. 509 note) —

(A) in paragraph (2), by striking “the Federal” and inserting “Federal”;

and

(B) in paragraph (3), by striking “the specific” and inserting “specific”.

SEC. 4504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking “Director of Central Intelligence” each place it appears in a provision as follows and inserting “Director of National Intelligence”:

(1) Section 153(2).

(2) Section 193c.

(3) Section 201(a).

(4) Section 201(b).

(5) Section 201(c)(1).

(6) Section 431.

(7) Section 431(b)(1).

(8) Section 441(c).

(9) Section 453.

(10) Section 453(d).

(11) Section 2273(b)(1).

(12) Section 2725.

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking “Director of Central Intelligence” each place it appears in a provision as follows and inserting “Director of National Intelligence”:

(1) Section 441(c).

(2) Section 443.

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE.—Title 10, United States Code, is amended by striking “Director of Central Intelligence” each place it appears and inserting “Director of the Central Intelligence Agency”.

SEC. 4505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403(a)(1)) is amended by striking “authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 136 of the National Security Act of 1947 (50 U.S.C. 405(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and (405))” and inserting “authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403(a)(1))”.

SEC. 4506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subtitle (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) by striking the caption, by striking “FOREIGN” and”;

(2) by striking “foreign” each place it appears; and

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows: “SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.”

SEC. 4507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

“Director of the Central Intelligence Agency.”;

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

“General Counsel of the Office of the Director of National Intelligence.”.

SEC. 4508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended by striking “National Imagery and Mapping Agency” each place it appears in a provision as follows and inserting “National Geospatial-Intelligence Agency”:

(A) Section 2320(a)(2)(C)/i).

(B) Section 3123(a)(1)(B).

(C) Section 4301(1) (in clause (i)).

(D) Section 4701(a)(1)(B).

(E) Section 5102(a)(1)(B) (in clause x).

(F) Section 3124(a)(1) (in clause K).

(G) Section 6202(a)(1)(K).

(H) Section 7232(b)(2)(B)/k(XIII).

(2) in Section 6338(a)(2)(E) of such title is amended by striking “National Imagery and Mapping Agency, the National Imagery and Mapping Agency” and inserting “National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency.”;

(b) TITLE 44, UNITED STATES CODE.—Section 1336 of title 44, United States Code,
is amended by striking “National Imagery and Mapping Agency” both places it appears and inserting “National Geospatial-Intelligence Agency”.

(b) The heading of such section is amended to read as follows:

“§ 1336. National Geospatial-Intelligence Agency: special publications”.

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

“1336. National Geospatial-Intelligence Agency: special publications.”.


(f) OTHER ACTS.—


(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking “National Imagery and Mapping Agency” and inserting “National Geospatial-Intelligence Agency”.

SEC. 4509. OTHER TECHNICAL AMENDMENTS RELATING TO RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE AS HEAD OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—

(1) The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended by striking “Director of Central Intelligence” each place it appears and inserting “Director of National Intelligence”:

(A) Section 706(c)(2)(B).

(B) Section 706(b)(2).

(C) Section 706(e)(2)(B).

(2) Section 705(c) of such Act is amended by striking “Director of Central Intelligence,” as head of the intelligence community,” and inserting “the Director of National Intelligence”.

(b) CONFORMING AMENDMENT.—The heading of section 706 of such Act is amended by striking “DIRECTOR OF CENTRAL INTELLIGENCE” and inserting “DIRECTOR OF NATIONAL INTELLIGENCE”.

SA 2986. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1070. SECRET SERVICE PROTECTION FOR FOREIGN OFFICIALS FROM COUNTRIES DESIGNATED AS STATE SPONSORS OF TERRORISM.

(a) IN GENERAL.—During fiscal years 2008 and 2009, the Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance to foreign countries that have committed to deploying units trained and equipped by the United States or its partners under the Global Peace Operations Initiative (GPOI) to peace operations.

(b) SELECTION OF COUNTRIES.—The Secretary of Defense and the Secretary of State shall jointly select the countries described in subsection (a) for which assistance may be provided under that subsection.

(c) TYPES OF ASSISTANCE.—The assistance provided under subsection (a) may include only the following:

(1) Inspection of—

(A) units described in subsection (a) in order to determine their readiness and ability to carry out peace operations; and

(B) the equipment provided by such units in deployments for peace operations.

(2) Identification of the training and equipment shortfalls, if any, of the units described in subsection (a).

(3) Provision of additional training to the units described in subsection (a), if required, in order to ensure that such units can carry out peace operations.

(4) Provision of equipment for units described in subsection (a), if required, pending deployment for a peace operation.

(5) Assistance in addressing deficiencies in personnel with specialized skills of units described in subsection (a) or in headquarters staffs of such units.

(6) Facilitation of the deployment of units described in subsection (a), if required, for missions under a peace operation.

(d) FORMULATION OF ASSISTANCE.—The Secretary of Defense and the Secretary of State shall jointly formulate the provision of assistance under subsection (a).

(e) NOTICE ON USE OF AUTHORITY.—

(1) REQUIREMENT FOR NOTICE.—Whenever the Secretary of Defense exercises the authority under subsection (a) by taking the action described in subsection (b), the Secretary shall notify the committees of Congress specified in paragraph (3) not later than 15 days before the exercise of the authority. Any such notification shall be prepared in coordination with the Secretary of State.

(2) CONGRESSIONAL ELEMENTS OF NOTICE.—Any notification under paragraph (1) on the exercise of authority shall include—

(A) a description of the country and unit or units to be provided assistance;

(B) a description of the type of assistance to be provided; and

(C) a statement of the amount of funding to be provided for each country and for each type of assistance.

(3) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(A) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(B) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

RESPECT FOR HUMAN RIGHTS.—Assistance may not be provided under subsection (a) to a unit of forces unless the Secretary of Defense and the Secretary of State jointly determine that the unit and its personnel maintain a record on human rights that meets requirements of the following:


(g) APPLICABLE LAW.—Any services, defense articles, or funds provided under this section shall be subject to the authorities and limitations in the Foreign Assistance Act of 1961, the Arms Export Control Act, and any Acts making appropriations to carry out such Acts.

(h) ACCOUNTING FOR ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of State shall jointly develop and maintain a system for maintaining a full accounting of the assistance provided under subsection (a).

(2) ELEMENTS.—The accounting required under paragraph (1) shall include the following:
(A) For any assistance so provided—
(i) the foreign country provided such assistance;
(ii) the period during which such assistance is provided;
(iii) the type of assistance provided; and
(iv) when applicable, the specific units provided such assistance.

(B) no defense article may be provided such assistance, a description (updated on an ongoing basis) of the peace operations being conducted by the country, including a separate description of all operations conducted by each unit of the country conducting such operations.

(i) FUNDING.—Of the amount authorized to be appropriated by section 301 for operation and maintenance for the Department of Defense, $100,000,000 may be available in fiscal year 2008 for the provision of assistance under subsection (a).

SA 2989. Mr. DORGAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, for military construction, and for defense activities of the Department of Energy, to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(a) DEPARTMENT OF STATE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of State to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

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

(A) An evaluation of any doctrine currently in use by the Secretary of State to prepare for the training of the command of an international intervention force.

(B) An assessment of the role played by the United States in developing the ‘‘responsibility to protect’’ doctrine described in paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005, and an update on actions taken by the United States Mission to the United Nations to discuss, promote, and implement such doctrine.

(C) An assessment of the potential capability of the Department of State and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the ‘‘responsibility to protect’’ doctrine.

(D) Recommendations as to the steps necessary to allow the Secretary of State to provide more effective training and guidance to an international intervention force.

(b) DEPARTMENT OF DEFENSE REPORT.—

(1) REPORT REQUIRED.—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, the Committee on Foreign Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of Defense to provide training and guidance to the entire complex of symptoms (as consistent with current research findings).

(2) Secondary priority under the program shall be afforded to studies that identify observable markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that lead to the identification and development of such markers and treatments.

(3) No study shall be funded under the program if the study is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as consistent with current research findings).

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be afforded to studies that identify observable markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that lead to the identification and development of such markers and treatments.

(2) No study shall be funded under the program if the study is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as consistent with current research findings).

(3) The program shall be conducted—

(A) using selective and peer review and identification of the most scientifically merit, utilizing individuals with recognized expertise in Gulf War Illnesses in the design of the studies and in scientific and programmatic review processes.
command of an international intervention force that seeks to prevent mass atrocities.

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

(A) An assessment of the potential capability of the Department of Defense and other Federal departments and agencies to support the development of new doctrines for the training and guidance of the command of an international intervention force.

(B) An assessment of the potential capability of the Department of Defense and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the ‘‘responsibility to protect’’ doctrine.

(C) Recommendations as to the steps necessary to allow the Secretary of Defense to provide more effective training and guidance to an international intervention force.

(D) A summary of any assessments or studies of the Department of Defense or other Federal departments or agencies relating to ‘‘Operation Artemis’’, the 2004 French military deployment and intervention in the eastern region of the Democratic Republic of Congo to protect civilians from local warring factions.

(3) INTERNATIONAL INTERVENTION FORCE.—

For the purposes of this section, ‘‘international intervention force’’ means a military force that—

(1) is authorized by the United Nations;

(2) has a mission that is narrowly focused on the protection of civilian life and the prevention of mass atrocities such as genocide.

SA 2992. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1107. MODIFICATION OF AUTHORITIES RELATED TO EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) INCREASE IN NUMBER OF DARPA POSITIONS UNDER PROGRAM.—Subsection (b)(1)(A) of section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 2007 (10 U.S.C. 2301 note) is amended by striking ‘‘40 scientific and engineering positions’’ and inserting ‘‘60 scientific and engineering positions’’.

(b) LIMITATIONS ON ADDITIONAL PAYMENTS.—Subsection (d) of such section is amended to read as follows:

(2) by inserting after subsection (d), as redesignated by subsection (c)(1) of this section, is further amended by striking ‘‘beginning in 1999 and ending in 2009’’.

(c) PAYMENT OF RELOCATION EXPENSES.—

(1) An individual appointed under this section may be paid travel, transportation, and relocation expenses to the same extent, in the same manner, and subject to the same conditions as the payment of such expenses to an employee transferred in the interests of the United States Government.

(2) Amounts available for the Defense Business Systems Management for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1155. CAPTURE OF OSAMA BIN LADEN AND THE AL QAEDA LEADERSHIP.

(a) UNITED STATES POLICY ON COUNTERTERORIST OPERATIONS.—It shall be the policy of the United States Government that the foremost objective of United States counterterrorist operations is to protect United States persons and property from terrorist attacks by capturing or killing Osama bin Laden, Ayman al-Zawahiri, and other leaders of al Qaeda and destroying the al Qaeda network.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CENTRAL INTELLIGENCE AGENCY.—There is hereby authorized to be appropriated for the Central Intelligence Agency for fiscal year 2008, $25,000,000 to conduct counterterrorist operations that assist in the destruction of the al Qaeda network.

(c) OFFSET.—The amount authorized to be appropriated by section 301(3) for operation and maintenance of Defense-wide activities is hereby reduced by $25,000,000, with the amount of the reduction to be allocated to sections as available. The Business Transformation Agency is hereby reduce

SA 2993. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1535. CAPTURE OF OSAMA BIN LADEN AND THE AL QAEDA LEADERSHIP.

(a) UNITED STATES POLICY ON COUNTERTERORIST OPERATIONS.—It shall be the policy of the United States Government that the foremost objective of United States counterterrorist operations is to protect United States persons and property from terrorist attacks by capturing or killing Osama bin Laden, Ayman al-Zawahiri, and other leaders of al Qaeda and destroying the al Qaeda network.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CENTRAL INTELLIGENCE AGENCY.—There is hereby authorized to be appropriated for the Central Intelligence Agency for fiscal year 2008, $25,000,000 to conduct counterterrorist operations that assist in the destruction of the al Qaeda network.

(c) OFFSET.—The amount authorized to be appropriated by section 301(3) for operation and maintenance of Defense-wide activities is hereby reduced by $25,000,000, with the amount of the reduction to be allocated to sections as available. The Business Transformation Agency is hereby reduce

SA 2995. Mr. AKAKA (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 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.

(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 replacing the Defense Memorial 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 1869 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 memorial pillar 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, under such conditions as the Secretary of Veterans Affairs determines, from repairing the current monument at the Tomb of the Unknowns or from acquiring any blocks of marble for use related to such monument, subject to the availability of appropriations for that purpose.

SA 2996. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1535. SENSE OF CONGRESS ON FEDERALISM IN IRAQ.

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

(1) Iraq continues to experience a self-sustaining cycle of sectarian violence.

(2) The ongoing sectarian violence presents a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors.

(3) Iraqis must reach a comprehensive and sustainable political settlement in order to achieve stability of the region, and Iraqs to reach such a settlement is a primary cause of increasing violence in Iraq.

(4) The Key Judgments of the January 2007 National Intelligence Estimate entitled "Prospects for Iraq's Stability: A Challenging Road Ahead" state, "A number of identifiable developments could help to reverse the trends driving Iraq's current trajectory. They include: Broader Sunni acceptance of the current political structure and federalism to begin to reduce one of the main drivers of the sectarian conflict . . . Significantly concessions by Shia and Kurds to create space for Sunni acceptance of federalism." (5) Article One of the Constitution of Iraq declares Iraq to be a "single, independent federal state".

(6) Section Five of the Constitution of Iraq declares that the "federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, and local administrations" and enumerates the expansive powers of regions and the limited powers of the central government to establish the mechanisms for the creation of new federal regions.

(7) The federal system created by the Constitution of Iraq would give Iraqs local control over their police and certain laws, including those related to employment, education, religion, and marriage.

(8) The Constitution of Iraq recognizes the administrative role of the Kurdistan Regional Government in 3 northern Iraqi provinces, known also as the Kurdistan Region.

(9) The Kurdistan region, recognized by the Constitution of Iraq, is largely stable and peaceful.

(10) The Iraqi Parliament approved a federalism law on October 11th, 2006, which establishes procedures for the creation of new federal regions and will go into effect 18 months after the law is signed.

(11) Iraq recognize Baghdad as the capital of Iraq, and the Constitution of Iraq stipulates that Baghdad may not merge with any federal region.

(12) Despite their differences, Iraqs sectarian and ethnic groups support the unity and territorial integrity of Iraq.

(13) Iraqkeeper Burq al-Maliki stated on November 27, 2006, "The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians."

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

(1) the United States should actively support a political settlement among Iraqs major factions based upon the provisions of the Constitution of Iraq that create a federal system of government and allow for the creation of federal regions;

(2) the active support referred to in paragraph (1) should include the following:

(1) to support an Iraqi political settlement based on federalism;

(2) to support the sovereignty and territorial integrity of Iraq; and

(3) to fulfill commitments for the urgent delivery of significant assistance and debt relief to Iraq, especially those made by the member states of the Gulf Cooperation Council;

(3) further calling on Iraqs neighbors to lend their full cooperation to the United Nations and to agree to related verification mechanisms; and

(4) convening a conference for Iraqs stakeholders to reach an agreement on comprehensive political settlement based on the creation of federal regions within a united Iraq.

(5) the United States should urge the Government of Iraq to pass the law and implement a law providing for the equitable distribution of oil revenues, which is a critical component of a comprehensive political settlement based upon federalism.

(4) the steps described in paragraphs (1), (2), (3) could lead to an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors.

SA 2998. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 583. NATIONAL GUARD FAMILY ASSISTANCE CENTER COORDINATORS.

(a) CONVERSION TO FULL-TIME EMPLOYEE POSITION.—"The Secretary of Defense shall convert positions of National Guard Family Assistance Center Coordinators (FACs) to full-time employee positions in a manner that satisfies the requirements of subsection (b)."

(b) RATIOS OF COORDINATORS TO RESERVE COMPONENT PERSONNEL.—

(1) In general.—Subject to paragraphs (3) and (4), the Secretary shall ensure that the number of full-time employee positions for National Guard Family Assistance Center Coordinators in each State for a fiscal year is not less than one such position for each 1,000 members of in-State National Guard and Reserve personnel in such State as of September 30 of the preceding fiscal year.

(2) Increments.—If the aggregate number of in-State National Guard and Reserve personnel in a State at the end of a fiscal year is not a number evenly divisible by 1,000, the number of increments of 1,000 members of in-State National Guard and Reserve personnel in such State for purposes of paragraph (1) shall be the number equal to—

(A) the aggregate number of such in-State National Guard and Reserve personnel divided by 1,000 and rounded down to the next lowest whole number; plus
(B) if the amount of the rounding down under subparagraph (A) exceeds 3, an additional one.

(3) MINIMUM NUMBER.—The minimum number of full-time employee positions for National Guard Family Assistance Center Coordinators in any particular State shall be three positions.

(4) OTHER COORDINATORS DURING Mobi- lizations.—In the event of the mobilization of a unit of the National Guard or Reserve having a permanent duty location in a State, the number of full-time employee positions for National Guard Family Assistance Center Coordinators in such State shall be increased by one such position for each 250 members mobilized in such State.

(a) General Provisions—

(1) 8 Members.—The Commission on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives shall co-chair the Commission.

(2) Notwithstanding any other provision of law, no more than five members from each party may serve on the Commission.

(3) Membership.—(A) The Commission shall consist of 8 members, as follows:

(i) The Majority Leader of the House of Representatives, in consultation with the Speaker of the House of Representatives, in consultation with the Chairmen of the Committees of the Senate on Armed Services and the Committee on Homeland Security and Governmental Affairs.

(ii) The Minority Leader of the Senate, in consultation with the Chairmen of the Committees of the Senate.

(iii) The Majority Leader of the House of Representatives, in consultation with the Chairmen of the Committees of the House of Representatives.

(iv) The Majority Leader of the Senate, in consultation with the Chairmen of the Committees of the Senate.

(v) The Majority Leader of the House of Representatives, in consultation with the Chairmen of the Committees of the House of Representatives.

(vi) The Majority Leader of the House of Representatives, in consultation with the Chairmen of the Committees of the House of Representatives.

(vii) The Majority Leader of the Senate, in consultation with the Chairmen of the Committees of the Senate.

(viii) The Majority Leader of the House of Representatives, in consultation with the Chairmen of the Committees of the House of Representatives.

(b) Term.—Each member shall serve for a term of 2 years, except that at the time of the first appointment of members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(c) Other Provisions.—The Commission may from time to time submit to Congress other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(d) Final Report.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of a contingency operation, including an area of a contingency operation, including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(VIII) the process for awarding contracts and contracts for contingency operations;

(X) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of a contingency operation, including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(VIII) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(X) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of a contingency operation, including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(VIII) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(X) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of a contingency operation, including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(VIII) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(X) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of a contingency operation, including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(VIII) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;
(bb) by the affirmative vote of 5 members of the Commission.

(II) SIGNATURE.—Subject to subclause (I), subpoenas issued under this subparagraph may be served upon or by a subpoenae issued under the chair or any member designated by a majority of the Commission, and may be served by any person designated by the chair or any member designated by a majority of the Commission.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or for contumacy, failure to obey an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence, any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of subclause (I) or this subclause, the Commission may, by majority vote, certify a statement of fact constituting such failure to the United States attorney, who may bring the matter before the grand jury for its action, under the same statute and procedures as are applicable to a contempt proceeding under section 3848 of title 18, United States Code.

(b) Access to information—The Commission may secure directly from the appropriate departments or agencies of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to conduct the audits required by this section.

(c) Access to information.—The Commission shall have the authorities provided in section 3105 of title 5, United States Code, and shall be subject to the conditions set forth in such section.
him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, insert the following:

SEC. 2854. RIGHT OF RECONVEYENCE RELATED TO LAND CONVEYANCE, HELENA, MONTANA.

Section 2833(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3325) is amended to read as follows:

“(b) EFFECT OF RECONVEYANCE OR LEASE.—

“(1) RECONVEYANCE.—In any case during the 10-year period following the conveyance of property under subsection (a), the Helena Indian Alliance reconveys all or any part of the conveyed property, the Alliance shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the conveyance, exclusive of any improvements made to the property by the Alliance, as determined by the Secretary in accordance with Federal appraisal standards and procedures.

“(2) LEASE.—The Secretary may treat a lease of property conveyed under subsection (a) within such 10-year period as a reconveyance, if, at any time during the 10-year period following the conveyance of property under subsection (a), the Helena Indian Alliance reconveys all or any part of the conveyed property, the Alliance shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the conveyance, exclusive of any improvements made to the property by the Alliance, as determined by the Secretary in accordance with Federal appraisal standards and procedures.

SEC. 3002. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, insert the following:

SEC. 2854. MODIFICATION OF LAND CONVEYANCE TERMS, HELENA, MONTANA.

Section 2833(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3325) is amended to read as follows:

“(a) PROPERTY FOR OTHER THAN INTENDED PURPOSE.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, the Secretary shall require the Helena Indian Alliance to pay to the United States an amount equal to the fair market value of the property as of the time of such determination, excluding the value of any improvements made to the property by the Alliance, as determined by the Secretary in accordance with Federal appraisal standards and procedures.”

SA 3003. Mrs. MCCASKILL (for herself, Mr. PYOR, Mr. LEAHY, Mr. BOND, Mr. KERRY, Ms. MIKULSKI, Mrs. HUTCHISON, Mr. CRAPO, Mr. NOVINOICH, Mr. SMITH, Mr. ALEXANDER, Mr. MARTINEZ, Mr. HARKIN, Mr. DODD, Mr. NELSON, Mr. LINDSEY, Mr. LINCOLN, Mr. WYDEN, Mr. BROWN, Mrs. MURRAY, and Mr. LUGAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1029.

SA 3004. Mr. OBAMA (for himself, Mr. ENZI, and Mr. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1029.

SEC. 2854. MODIFICATION OF LAND CONVEYANCE TERMS, HELENA, MONTANA.

Section 2833(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3325) is amended to read as follows:

“(b) EFFECT OF RECONVEYANCE OR LEASE.—

“(1) RECONVEYANCE.—In any case during the 10-year period following the conveyance of property under subsection (a), the Helena Indian Alliance reconveys all or any part of the conveyed property, the Alliance shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of such determination, exclusive of any improvements made to the property by the Alliance, as determined by the Secretary in accordance with Federal appraisal standards and procedures.

“(2) LEASE.—The Secretary may treat a lease of property conveyed under subsection (a) within such 10-year period as a reconveyance, if, at any time during the 10-year period following the conveyance of property under subsection (a), the Helena Indian Alliance reconveys all or any part of the conveyed property, the Alliance shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the conveyance, exclusive of any improvements made to the property by the Alliance, as determined by the Secretary in accordance with Federal appraisal standards and procedures.

SEC. 2854. MODIFICATION OF LAND CONVEYANCE TERMS, HELENA, MONTANA.

Section 2833(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3325) is amended to read as follows:

“(a) PROPERTY FOR OTHER THAN INTENDED PURPOSE.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, the Secretary shall require the Helena Indian Alliance to pay to the United States an amount equal to the fair market value of the property as of the time of such determination, exclusive of the value of any improvements made to the property by the Alliance, as determined by the Secretary in accordance with Federal appraisal standards and procedures.”

SA 3003. Mrs. MCCASKILL (for herself, Mr. PYOR, Mr. LEAHY, Mr. BOND, Mr. KERRY, Ms. MIKULSKI, Mrs. HUTCHISON, Mr. CRAPO, Mr. NOVINOICH, Mr. SMITH, Mr. ALEXANDER, Mr. MARTINEZ, Mr. HARKIN, Mr. DODD, Mr. NELSON, Mr. LINDSEY, Mr. LINCOLN, Mr. WYDEN, Mr. BROWN, Mrs. MURRAY, and Mr. LUGAR) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, insert the following:

SEC. 1070. PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING SERVICE MEMBERS OF THE ARMED FORCES.

(a) ADDITIONAL PURPOSE OF USERRA.—Section 4301(b)(1) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking “and” at the end; and

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

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

“(d) TREATMENT OF ACTIONS.—

(1) IN GENERAL.—Section 4311 of such title is amended—

(A) in subsection (a) —

(1) by inserting “(1) after “(a);” and

(B) in subsection (b) —

(1) by striking the period in which the leave is applied under subsection (a); and

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

“(2) A person described in section 4320(a) of this title shall not be denied retention in employment, promotion, or any benefit of employment by an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), because the person does not meet the requirements of sections 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(5) The term ‘family member’, with respect to a recovering service member, means a member described in subsection (b) of section 4320 of this title.

(6) The term ‘recovering service member’ means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.”.

(c) TREATMENT OF ACTIONS.—

(1) IN GENERAL.—Section 4311 of such title is amended—

(A) in subsection (a) —

(1) by inserting “(1) after “(a);” and

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

“(2) A person described in section 4320(a) of this title shall not be denied retention in employment, promotion, or any benefit of employment by an employer under this title because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(3) The term ‘family member’, with respect to a recovering service member, has the meaning given that term in section 411(b) of title 37.

(4) The term ‘recovering service member’ means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.”.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 43 of title 38, United States Code, is amended—

(1) by striking the item relating to section 4311 and inserting the following new item:

"§ 4311. Discrimination and acts of reprisal prohibited: persons on leave to provide personal, medical, or convalescent care for recovering members of the Armed Forces."
“431. Discrimination and acts of reprisal prohibited; persons who serve in the uniformed services; family caregivers of recovering members; and members of the Armed Forces.”; and

(2) by inserting after the item relating to section 4319 the following new item:

“4320. Employment rights of family members and members of the Armed Forces.”.

SA 3005. Mr. FEINGOLD (for himself, Mr. CASEY, Mr. KENNEDY, Ms. MIKULSKY, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1385, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 25. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term “caregiver” means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term “covered period of service” means any period of service performed by an employee as a caregiver while the individual designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term “employee” has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term “family member” includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term “qualified member of the Armed Forces” means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to use under paragraph (4)—

(A) any sick leave of that caregiver during a covered period of service;

(B) any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces may designate a caregiver by a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing agency; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(i), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(C) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(D) USE OF SPOUSE LEAVE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection, including a definition of activities that qualify as the giving of care.

(5) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term “caregiver” means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term “covered period of service” means any period of service performed by an employee as a caregiver while the individual designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term “employee” means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term “family member” includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term “qualified member of the Armed Forces” means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a business entity to use under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service for purposes relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(c)getMessage not valid
(c) Administration of Property.—Subject to subsection (d), the Secretary of the Interior shall administer the property described in subsection (b),

(1) in general.—The Secretary of the Interior shall manage and carry out environmental response activities with respect to the property described in subsection (b) not later than 2 years after the date of the enactment of this Act, with the expectation of long-term monitoring, using amounts made available from the account established by section 2708(a)(5) of title 10, United States Code.

(e) Savings Provision.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any part of the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SA 3007, Mr. LEVIN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1044. REPORT ON SIZE AND MIX OF AIR FORCE INTERTHEATER AIRLIFT FORCE.

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

(a) Clarification of Requirement for Authorization of Military Construction.—


(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking "$1147,760,000" in the amount column and inserting "$295,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$972,719,000".


(1) in subsection (a)(1), by striking "$722,927,000" and inserting "$780,167,000"; and

(2) in subsection (b)(6), by striking "$59,320,000" and inserting "$59,320,000".

SA 3010, Mrs. McCASKILL (for herself, Mr. BIDEN, Mr. KENNEDY, Mr. BOND, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1044. REPORT ON SIZE AND MIX OF AIR FORCE INTERTHEATER AIRLIFT FORCE.

(a) Study Required.—The Secretary of Defense shall conduct a study on various alternatives for the size and mix of assets for the Air Force intertheater airlift force, with a particular focus on current and planned capabilities and costs of the C-5 aircraft and C-17 aircraft fleets.

(b) Conduct of Study.—(1) Use of FFRDC. The Secretary shall select to conduct the study required by subsection (a) a federally funded research and development center (FFRDC) that has experience and expertise in conducting studies similar to the study required by subsection (a).

(ii) Submit to Congress a report that—

(I) sets forth any flaws or weaknesses in the methodology identified by the Comptroller General in the report and to improve the methodology in accordance with the recommendations, if any, made by the Comptroller General; and

(II) makes any recommendations the Comptroller General considers advisable for improvements to the methodology.

(c) Comptroller General Review.—Not later than 120 days after receipt of the report under subparagraph (B), the Comptroller General shall—

(i) review the methodology for purposes of identifying any flaws or weaknesses in the methodology, and

(ii) submit to the congressional defense committees a report that—

(I) describes the modifications of the methodology made by the federally funded research and development center; and

(II) if the federally funded research and development center does not improve the methodology in accordance with any particular recommendation of the Comptroller General, sets forth a description and explanation of the reasons for such action.

(d) Utilization of Other Studies.—The study shall build upon the results of the recent Mobility Capabilities Studies of the Department of Defense, the on-going Intranet Airlift Fleet Mix Analysis, and other appropriate studies and analyses. The study should also include any results reached on the modified C-5A aircraft configured as part of the Reliability Enhancement and Re-engineing Program (RERP) configuration, as specified in section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1411).

(ii) Elements.—The study under subsection (a) shall address the following:

(I) The state of the current intertheater airlift fleet of the Air Force, including the extent to which the increased use of heavy airlift aircraft in Operation Iraqi Freedom, Operation Enduring Freedom, and other on-going operations is affecting the aging of the aircraft of that fleet.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.

SEC. 2207. AMENDMENTS TO APPROPRIATIONS ACT FOR FISCAL YEAR 2004 PROJECT.

On page 449, between lines 16 and 17, insert the following:

(a) Study Required.—The Secretary of Defense shall conduct a study on various alternatives for the size and mix of assets for the Air Force intertheater airlift force, with a particular focus on current and planned capabilities and costs of the C-5 aircraft and C-17 aircraft fleets.

(b) Conduct of Study.—(1) Use of FFRDC. The Secretary shall select to conduct the study required by subsection (a) a federally funded research and development center (FFRDC) that has experience and expertise in conducting studies similar to the study required by subsection (a).

(b) Development of Study Methodology.—Not later than 120 days after receipt of the report under subparagraph (B), the Comptroller General shall—

(i) review the methodology for purposes of identifying any flaws or weaknesses in the methodology, and

(ii) submit to the congressional defense committees a report that—

(I) sets forth any flaws or weaknesses in the methodology identified by the Comptroller General in the report and to improve the methodology in accordance with the recommendations, if any, made by the Comptroller General; and

(II) makes any recommendations the Comptroller General considers advisable for improvements to the methodology.

(c) Comptroller General Review.—Not later than 120 days after receipt of the report under subparagraph (B), the Comptroller General shall—

(i) review the methodology for purposes of identifying any flaws or weaknesses in the methodology, and

(ii) submit to the congressional defense committees a report that—

(I) describes the modifications of the methodology made by the federally funded research and development center; and

(II) if the federally funded research and development center does not improve the methodology in accordance with any particular recommendation of the Comptroller General, sets forth a description and explanation of the reasons for such action.

(d) Utilization of Other Studies.—The study shall build upon the results of the recent Mobility Capabilities Studies of the Department of Defense, the on-going Intranet Airlift Fleet Mix Analysis, and other appropriate studies and analyses. The study should also include any results reached on the modified C-5A aircraft configured as part of the Reliability Enhancement and Re-engineing Program (RERP) configuration, as specified in section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1411).

(ii) Elements.—The study under subsection (a) shall address the following:

(I) The state of the current intertheater airlift fleet of the Air Force, including the extent to which the increased use of heavy airlift aircraft in Operation Iraqi Freedom, Operation Enduring Freedom, and other on-going operations is affecting the aging of the aircraft of that fleet.
(2) The adequacy of the current intratheater airlift force, including whether or not the current target number of 301 airframes for the Air Force heavy lift aircraft fleet will be sufficient to support future expeditionary combat and non-combat missions as well as domestic and training mission demands consistent with the requirements of the National Military Strategy.

(3) The optimal mix of C-5 aircraft and C-17 aircraft for the intertheater airlift fleet of the Air Force, and any appropriate mix of C-5 aircraft and C-17 aircraft for intratheater airlift missions, including an assessment of the following:

(A) The cost advantages and disadvantages of modernizing the C-5 aircraft fleet when compared with procuring new C-17 aircraft, which assessment shall be performed in concert with the Life Cycle Cost Analysis Improvement Group and be based on program life cycle cost estimates for the respective aircraft.

(B) The military capability of the C-5 aircraft and the C-17 aircraft, including number of lifetime flight hours, cargo and passenger carrying capabilities, and mission capable rates for such airframes. In the case of assumptions made for the mission capable rates of the C-17 aircraft, sensitivity analyses shall also be conducted to test assumptions.

(C) The capability of the C-5 aircraft that do or may provide intratheater airlift, including the potential that such current or future assets may reduce requirements for C-5 aircraft or C-17 aircraft.

(D) Any intratheater mission sets best performed by strategic airlift aircraft as opposed to traditional intratheater airlift aircraft.

(E) Any requirements for increased production or longevity of C-5 aircraft and C-17 aircraft, or for a new strategic airlift aircraft, in light of the matters analyzed under this paragraph.

(7) Taking into consideration all applicable factors, whether or not the replacement of C-5 aircraft with C-17 aircraft on a one-for-one basis will result in the retention of a comparable strategic airlift capability.

(c) Construction.—Nothing in this section shall be construed to exclude from the study under subsection (a) consideration of airlift assets other than the C-5 aircraft or C-17 aircraft that do or may provide intratheater and interairlift, including the potential that such current or future assets may reduce requirements for C-5 aircraft or C-17 aircraft.

(d) Collaboration with TRANSCOM.—The Comptroller General of the United States a report on the study required by subsection (a)

(e) Reporting by DOD.—(1) IN GENERAL.—Not later than January 10, 2009, the Comptroller General shall submit to the Committee on Armed Services a report on the study conducted under subsection (a) and the report under paragraph (1) of section 1102 of the National Defense Authorization Act for Fiscal Year 2009, as amended.

(2) REVIEW BY GAO.—Not later than 90 days after receipt of the report required by subsection (1), the Comptroller General shall submit to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Comptroller General of the United States a report on the study required by subsection (e) in concert with the United States Transportation Command.

(3) REPORT BY FFRDC.—The federally funded research and development center selected under subsection (a) shall conduct the study required by subsection (e) and make the report required by subsection (e) in concert with the United States Transportation Command.

(f) Effective Date.—The amendment made by subsection (a) shall be effective July 1, 2008.

SEC. 1535. SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

(a) Definitions.—In this section:

(1) The utilization of the heavy lift aircraft in intratheater combat missions.

(2) The availability and application of Civil Reserve Air Fleet assets in future military scenarios.

(3) Air mobility requirements associated with the Global Rebalancing Initiative of the Department of Defense.

(4) Air mobility requirements in support of peacekeeping and humanitarian missions around the globe.

(5) Potential changes in lift requirements based on equipment procurements.

(b) Description of the assumptions utilized in the study regarding aircraft performance and loading factors.

(c) A comprehensive statement of the data and assumptions utilized in making program life cycle cost estimates.

(d) A comparison of cost and risk associated with optimal mix airlift fleet versus present mix.

(3) Form.—The report shall be submitted in unclassified form, but may include a classified annex.

Mr. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of title VI, add the following:

SEC. 673. INDEPENDENT STUDY OF STRATEGIC AIRLIFT.

(a) IN GENERAL.—Not later than January 10, 2009, the Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force shall conduct a study of strategic airlift capability.

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective July 1, 2008.
(4) The Government Accountability Office (GAO) and departmental Inspectors General provide valuable information on such activities.

(5) The congressional oversight process requires more timely reporting of reconstruction activities in Afghanistan that encompasses the efforts of the Department of State, the Department of Defense, the United States Agency for International Development and highlights specific acts of waste, fraud, and abuse.

(6) An example of such successful reporting is provided by the Special Inspector General for Iraq Reconstruction (SIGIR), which has made strides in the case of Afghanistan.

(7) The establishment of a Special Inspector General for Afghanistan Reconstruction (SIGAR) position using SIGIR as a model will help achieve this objective in Afghanistan. This position will help Congress and the American people to better understand the challenges facing United States programs and projects in that crucial country.

(8) It is a priority for Congress to establish a Special Inspector General for Afghanistan position with similar responsibilities and duties as the Special Inspector General for Iraq Reconstruction. This new position will monitor United States assistance to Afghanistan in the civilian and security sectors, undertaking necessary action similar to those of the Special Inspector General for Iraq Reconstruction.

(b) Office of Inspector General.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction.

(c) Appointment of Inspector General; Removal.—

(1) Appointment.—The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction, and the this section referred to as the “Inspector General”), who shall be appointed by the President.

(2) Qualifications.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) Deadline for Appointment.—The nomination of an individual as Inspector General shall be transmitted to the Senate not later than 30 days after the date of the enactment of this Act.

(4) Removal.—The Inspector General shall be removable from office in accordance with the provisions of chapter 53 of title 5, United States Code, under the Inspector General Act of 1978 (5 U.S.C. App.).

(5) Prohibition on Political Activities.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) Compensation.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided to officers at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) Supervision.—

(1) General.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of the Secretary of State and the Secretary of Defense.

(2) Independence to Conduct Investigations and Audits.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, overseeing, or auditing the audit, or investigations, or from issuing any subpoenas during the course of any audit or investigation.

(e) Duties.—

(1) Oversight of Afghanistan Reconstruction.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate the activities of the treatment, handling, and expenditure of appropriated funds by the United States Government, and of the programs, operations, and activities during such period of the Inspector General in order to prevent and detect waste, fraud, and abuse, including—

(A) the oversight and accounting of the obligation and expenditure of appropriated funds.

(B) The monitoring and review of reconstruction activities funded by such funds.

(C) The monitoring and review of contracts funded by such funds.

(D) The monitoring and review of the transfer of such funds and associated information between United States Government agencies, entities, and activities, and entities of the United States Government, and private and nongovernmental entities.

(E) The maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds.

(F) The monitoring and review of the effectiveness, efficiency, and effectiveness of United States coordination with donor countries in the implementation of the Afghanistan Compact and the Afghan National Development Strategy; the efficient utilization of funds for economic reconstruction, social and political development, and security.

(G) The investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions.

(2) Other Duties Related to Oversight.—The Inspector General shall establish, maintain, and oversee such systems, procedures, policies, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

(3) Duties and Responsibilities Under Inspector General Act of 1978.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall have the power to carry out the powers and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) Coordination of Efforts.—In carrying out the duties, and responsibilities, and authorities conferred upon the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

(A) The Inspector General of the Department of State.

(B) The Inspector General of the Department of Defense.

(C) The Inspector General of the United States Agency for International Development.

(D) Powers and Authorities.—

(1) Authorities Under Inspector General Act of 1978.—In carrying out the duties specified in subsection (e), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) Audit Standards.—The Inspector General shall carry out the duties specified in subsection (e)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(g) Personnel, Facilities, and Other Resources.—

(1) Personnel.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, which shall be deemed to be officers, employees, and agents of the United States Government, pursuant to chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) Employment of Experts and Consultants.—The Inspector General may, by authority of and subject to the regulations of the Office of Personnel Management, obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for GS-15 of the General Schedule by section 5332 of such title.

(3) Contracting Authority.—To the extent and in such amounts as may be provided in an Appropriations Act, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services for the conduct of investigations, and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(h) Reports.—The Secretary of State shall provide the Inspector General with appropriate and adequate office space at appropriate United States Government locations in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide such necessary maintenance services for such offices and the equipment and facilities located therein. The Secretary of State shall not charge the Inspector General or employ the staff of the Office of the Inspector General for Afghanistan Reconstruction for International Cooperative Administrative Support Services.

(5) Assistance from Federal Agencies.—

(A) General.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) Reporting of Refused Assistance.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of Defense and the Secretary of State and the appropriate committees of Congress without delay.

(i) Reports.—

(1) Quarterly Reports.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of submission of the report, the activities during such period of the Inspector General, including a summary of lessons learned, and summarizing the activities under paragraph (6) of subsection (d) of section 203(a) which accounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, a detailed statement of obligations, expenditures, and revenues of the United States Government associated with reconstruction and rehabilitation activities in Afghanistan, including the following information:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Afghanistan, together with the estimate of the costs to complete each project and such program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and operations of the Department of Defense, the Department of State, or the United States Agency for International Development.

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(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.
(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Afghanistan.
(F) In the case of any contract, grant, agreement, or other funding mechanism desribed in paragraph (2), the Inspector General shall:
(i) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;
(ii) a description of the potential unethical or illegal actions taken by Federal employees, contractors, or grantees and whether and how they were held accountable.
(G) A description of any potential unethical or illegal actions taken by Federal employees, contractors, or grantees and whether and how they were held accountable.
(H) A description of any previous instances of wasteful and fraudulent activities in Afghanistan or potential contractors, subcontracts, or grantees and whether and how they were held accountable.
(i) the amount of the contract, grant, agreement, or other funding mechanism;
(j) the amount of the contract, grant, agreement, or other funding mechanism.
(k) A description of any potential unethical or illegal actions taken by Federal employees, contractors, or grantees and whether and how they were held accountable.
(l) A description of any potential unethical or illegal actions taken by Federal employees, contractors, or grantees and whether and how they were held accountable.
(m) A description of any previous instances of wasteful and fraudulent activities in Afghanistan or potential contractors, subcontracts, or grantees and whether and how they were held accountable.
(n) The Inspector General shall publish a notice of each waiver made under this subsection in the Federal Register not later than the date on which the report required under paragraph (1) or (3) of subsection (h) is submitted to the appropriate congressional committees. The report shall specify whether waivers under this subsection were made and with respect to which elements.
(o) Definitions.—In this section:
(I) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term ‘‘amounts appropriated or otherwise made available for the reconstruction of Afghanistan’’ means—
(A) amounts appropriated or otherwise made available for any fiscal year—
(i) to the Afghanistan Security Forces Fund;
(ii) to the program to assist the people of Afghanistan established under section 1202(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–113; 119 Stat. 197);
(iii) to the Department of Defense for assistance for the reconstruction of Afghanistan under any other provision of law; and
(B) amounts appropriated or otherwise made available for any fiscal year for Afghanistan reconstruction under the following headings or for the following purposes:
(i) Operating Expenses of the United States Agency for International Development.
(ii) Economic Support Fund.
(iii) International Narcotics Control and Law Enforcement.
(iv) International Affairs Technical Assistance.
(v) Peacekeeping Operations.
(vi) Diplomatic and Consular Programs.
(viii) Child Survival and Health.
(ix) Development Assistance.
(x) International Military Education and Training.
(xi) Nonproliferation, Anti-terrorism, Dominating and Related Programs.
(xii) Public Law 480 Title II Grants.
(xiii) International Disaster and Famine Assistance.
(xiv) Migration and Refugee Assistance.
(xv) Operations of the Drug Enforcement Agency.
(II) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional committees’’ means—
(A) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate; and
(B) the Committees on Appropriations, Armed Services, Foreign Affairs, and Homeland Security of the House of Representatives.
(J) EXECUTIVE AGENCY.—The term ‘‘executive agency’’ has the meaning given the term in section 105 of title 5, United States Code.
(K) AUTHORIZATION OF APPROPRIATIONS.—
(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for fiscal year 2008 to carry out this section.
(2) OFFSET.—The amount authorized to be appropriated by section 1512 for the Afghanistan Security Forces Fund is hereby reduced by $20,000,000.
(L) TERMINATION.—
(M) FINAL ACCOUNTABILITY REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Afghanistan Reconstruction under paragraph (1), prepare and submit to the appropriate congressional committees a final accountability report on all referrals for the investigation of any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities made to the Department of Justice or any other United States law enforcement entity to ensure further investigations, prosecutions, or remedies.

SA 3013. Mr. VOINOVICE submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; all votes.

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

SEC. 1535. RESPONSIBLE REDUCTION OF UNITED STATES FORCES IN IRAQ.
(a) FINDINGS.—Congress makes the following findings:
(1) The precipitous withdrawal of United States forces from Iraq would have dangerous consequences for the security of the United States and our allies, including the potential for destabilization of the Middle East region, the disintegration of United States relations with United States allies in the region, the endangerment of vital energy supplies in the region, and irreparable damage to the credibility of the United States.
(2) The United States must remain engaged in Iraq and the Middle East region for the foreseeable future to protect our national security interests.
(3) There are limits on the forces the United States has available for deployment, and those limits necessitate a reduction in United States forces in Iraq.
(4) General Petraeus has stated that a reduction in United States forces in Iraq will be imminent as a result of security gains in Iraq and the limits on United States forces available for deployment.
(b) RESPONSIBLE REDUCTION OF UNITED STATES FORCES IN IRAQ.—The President shall commence a responsible reduction in the number of United States forces in Iraq commencing not later than 120 days after the date of the enactment of this Act.
(c) IMPLEMENTATION OF REDUCTION AS PART OF COMPREHENSIVE STRATEGY.—
(1) IN GENERAL.—The reduction in United States forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that will include increased engagement with neighbors and the international community for the purpose of working collectively to bring stability to Iraq.
(2) INTERNATIONAL MEDIATION.—In carrying out the strategy described in paragraph (1), the President shall instruct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the appointment of a senior representative of the Secretary General of
the United Nations to Iraq who has the authority of the international community to engage political, religious, ethnic, and tribal leaders in Iraq in an inclusive political process.

(3) Sense of Congress.—It is the sense of Congress that in carrying out the strategy described in paragraph (1), the President should—

(A) work with the United Nations to continue the efforts initiated at Sharm El Sheikh in April 2007 and implement fully the terms of the International Compact with respect to Iraq; and

(B) support the decision of the United Nations Security Council on August 10, 2007, to strengthen the mandate of the United Nations Assistance Mission in Iraq in areas such as national reconciliation, regional dialogue, humanitarian assistance, and human rights.

(d) Limited Presence of United States Forces After Reduction.—The goal of the reduction of United States required by this section shall be a limited presence for United States forces in Iraq at the completion of the reduction, with the missions of United States forces in Iraq after the completion of the reduction to include the following:

(1) Protecting United States and coalition personnel and infrastructure.

(2) Training, equipping, and providing logistic support to Iraqi Security Forces.

(3) Engaging in targeted counterterrorism operations against al Qaeda, al Qaeda affiliated groups, and other international terrorist organizations.

(4) Providing support for targeted operations by Iraqi Security Forces against extremist militia groups, such as Jaish al Mahdi, which conduct attacks against United States forces and Iraqi Security Forces.

(5) Engaging in counterinsurgency operations which support the counterinsurgency mission described in paragraph (3).

(6) Providing personnel and support to Provincial Reconstruction Teams until civilian personnel can be recruited to fill positions in such teams.

(7) Sharing information and intelligence as necessary with Iraqi Security Forces to achieve the missions described in paragraphs (1) through (6).

(e) Report on Reduction.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) A scheduled date for the completion of the reduction and transition of United States forces in Iraq to a limited presence of carrying out the missions specified in subsection (d).

(2) A comprehensive description of efforts to prepare for the reduction and transition of United States forces in Iraq in accordance with this section and to minimize destabilizing consequences of such reduction and transition, including a description of efforts to work with the United Nations and allies in the region toward that objective.

SA 3014. Mr. SESSIONS (for himself, Mrs. FEINSTEIN, and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 824 and insert the following:

SEC. 824. COMPTROLLER GENERAL REPORT ON EMPLOYMENT OPPORTUNITIES FOR FEDERAL PRISONERS.

(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, in coordination with the Attorney General, prepare and submit to the committees a report setting forth such modifications to law or regulations as may be required to provide sufficient employment opportunities for Federal prisoners to reduce recidivism among, and to promote job skills for, the growing population of Federal prisoners.

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

(1) The effect of the current Federal Prison Industries program on private industry.

(2) The impact on authorized purchasers of Federal Prison Industries products, and proposed alternative employment opportunities for Federal prisoners that may be used to reduce any negative impact on the Federal Prison Industries program of the modifications set forth in subsection (a).

SEC. 825. COMPTROLLER GENERAL REPORT ON RECONSTRUCTION IN IRAQ.

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

(1) The members of the Armed Forces are entitled to the best individual combat weapons available in the world today.

(2) Full and open competition in procurement is required by law, and is the most effective way of selecting the best individual combat weapons for the Armed Forces at the best price.

(3) The M4 carbine rifle is currently the individual weapon of choice for the Army, and it is procured through a sole source contract.

(4) The M4 carbine rifle has been proven in combat and meets or exceeds the existing requirements for carbines.

(5) The Army Training and Doctrine Command is conducting a full Capabilities Based Assessment (CBA) of the small arms of the Army which will determine whether or not gaps exist in the current capabilities of such small arms and inform decisions as to whether or not a new individual weapon is required to address such gaps.

(b) Sense of Congress.—It is the sense of Congress that the Secretary of Defense should consider establishing a new program of record for the Joint Enhanced Carbine not later than October 1, 2008.

(c) Report on Capabilities Based Assessment.—Not later than 90 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 Capabilities Based Assessment of the small arms of the Army referred to in subsection (a)(5).

(d) Competition for New Individual Weapon.—(1) Competition Required.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army, the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into after full and open competition described in paragraph (2).

(2) Full and Open Competition.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that can carry out, to the extent required, the production of all developmental item solutions and nondevelopmental item (NDI) solutions; and

(3) Provides for the award of the contract or contracts concerned based on selection criteria that reflect the key performance parameters and attributes identified in an Army-approved service requirements document.

(e) Report on Joint Enhanced Carbine.—Not later than 120 days after the date of the enactment of this Act, Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a Joint Enhanced Carbine requirement that does not require commonality with existing technical data.

(2) The award of contracts for all available nondevelopmental carbines in lieu of a developmental program intended to meet the proposed Joint Enhanced Carbine requirement.

(3) The reprogramming for the procurement of small arms from the procurement of M4 Carbines to the procurement of Joint Enhanced Carbines authorized only as the result of competition.

(4) The use of rapid equipping authority to procure weapons under $2,000 per unit that meet service-approved requirements, which weapons may be nondevelopmental items selected through full and open competition.

SEC. 826. COMPTROLLER GENERAL REPORT ON ROCKET SATELLITE SYSTEMS.

(a) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status, capability, viability, and capacity of the solid rocket motor industrial base in the United States.

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

(1) An assessment of the ability to maintain the Minuteman III intercontinental ballistic missile through its planned operational life.

(2) An assessment of the ability to maintain the Trident II D-5 submarine launched ballistic missile through its planned operational life.

(3) An assessment of the ability to maintain all other space launch, missile defense, and other vehicles with solid rocket motors, that are open to all developmental lifetimes.

(4) An assessment of the ability to support any future requirements for vehicles with solid rocket motors to support space launch, missile defense, or any class of ballistic missiles determined to be necessary to meet defense needs or other requirements of the United States Government.

SEC. 1070. COMPTROLLER GENERAL REPORT ON DEFENSE INDUSTRIAL BASE.

(a) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the current condition and outlook of the United States defense industrial base.

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

(1) An assessment of the overall health and viability of the United States defense industrial base.

(2) An assessment of the plan to maintain the strategic reserve, if any, of its defense industrial base.

(3) An assessment of the ability to provide any future requirements for vehicles with solid rocket motors to support space launch, missile defense, or any class of ballistic missiles determined to be necessary to meet defense needs or other requirements of the United States Government.

SEC. 1071. COMPTROLLER GENERAL REPORT ON STATE PERSONNEL PAY FOR FEDERAL PRISONERS.

(a) Report.—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 status, capability, viability, and capacity of the solid rocket motor industrial base in the United States.
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ensure that current and future requirements could be met.

An assessment of the adequacy of the current and anticipated programs to support an independent national command and control capability is needed to support the range of future requirements.

C. Comptroller General Review.—Not later than 60 days after submittal under subsection (a) of the report required by that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the Comptroller General’s assessment of the matters contained in the report under subsection (a), including an assessment of the adequacy of the matters contained in the report under subsection (a), including an assessment of the matters contained in the report under subsection (a), including an assessment of the matters contained in the report under subsection (a), including an assessment of the matters contained in the report under subsection (a), including an assessment of the matters contained in the report under subsection (a). The report shall include an assessment of the status of the development and implementation of the departmental strategy for fiscal year 2009, as submitted to Congress pursuant to section 1105 of title 31, United States Code, with the matters contained in the report under subsection (a).

SA 3017. Mr. KYL (for himself, Mr. LIEBERMAN, and Mr. COLEMAN) proposed an amendment to the assurance of appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction and military facilities, for the Department of Energy, to prescribe military personnel strengths for each fiscal year, and for other purposes; as follows:

At the end of subsection C of title XV, add the following:

SEC. 1535. SENSE OF SENATE ON IRAN.

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

(1) General David Petraeus, commander of the Multi-National Force Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that “[t]he political power of the occupiers is increasing rapidly. . . . We interrogated these individuals. . . . In one case, a 22-page document that lays out the planning, reconnaissance, rehearsal, conduct, and consequences of the after-action report that resulted in the death of five of our soldiers in Karbala back in January”.

(2) The Department of Defense report to Congress on Stability and Security in Iraq and released on September 18, 2007, consistent with section 9010 of Public Law 109-362, states that “[t]here has been no decisive evidence of funding of illegal Shi’a militias in Iraq that attack Iraqi and Coalition forces and civilians. . . . Tehran’s support for these groups is one of the greatest impediments to progress on reconciliation”.

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

(1) that the manner in which the United States transitions and structures its military presence in Iraq and Afghanistan, and the manner and scope of our efforts inside the country. Many of the arms and weapons that kill and maim our soldiers are coming from across the Iranian border”. . . . We believe that he works directly for the supreme leader of the country.

(2) that the political power of the occupiers is increasing rapidly. . . . We interrogated these individuals. . . . In one case, a 22-page document that lays out the planning, reconnaissance, rehearsal, conduct, and consequences of the after-action report that resulted in the death of five of our soldiers in Karbala back in January”.

(3) that it is a vital national interest of the United States to prevent the Government of the Islamic Republic of Iran from turning the region into a Hezbollah-like force that could serve its interests inside Iraq, including by overwhelming, subverting, or co-opting institutions or the legitimate government of Iraq.

(4) that the Department of Defense report to Congress on Stability and Security in Iraq and released on September 18, 2007, consistent with section 9010 of Public Law 109-362, states that “[t]here has been no decisive evidence of funding of illegal Shi’a militias in Iraq that attack Iraqi and Coalition forces and civilians. . . . Tehran’s support for these groups is one of the greatest impediments to progress on reconciliation”.

(5) to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments of influence inside Iraq, including by overwhelming, subverting, or co-opting institutions or the legitimate government of Iraq.

(6) that it is a vital national interest of the United States to prevent the Government of the Islamic Republic of Iran from turning the region into a Hezbollah-like force that could serve its interests inside Iraq, including by overwhelming, subverting, or co-opting institutions or the legitimate government of Iraq.

(7) that the United States should designate the Islamic Revolutionary Guards Corps as a foreign terrorist organization under section 219 of the Immigration and Nationality Act and place the Islamic Revolutionary Guards Corps on the list of Specially Designated Global Terrorists, as established under the International Emergency Economic Powers Act, and that the Department of the Treasury should act with all possible expediency to complete the listing of those entities targeted under United Nations Security Council Resolutions 1737 and 1747 adopted unanimously on December 23, 2006 and March 24, 2007, respectively.

SA 3018. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3017 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and...
for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (b) of title II, add the following:

SEC. 214. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for Army and available for Medical Advanced Technology, $15,000,000 shall be available for the Army Medical Research and Materiel Command to carry out, as part of its Medical Research Program required by Congress, a program for Gulf War Illnesses Research.

(b) PURPOSE.—The purpose of the program shall be to develop diagnostic markers and treatments for the complex of symptoms commonly known as ‘‘Gulf War Illnesses (GWI)’, including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be to pilot and observational studies of treatments for the complex of symptoms described in subsection (b) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous pilot and observational studies.

(2) Secondary priority under the program shall be to establish studies that identify objective markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that can lead to the identification and development of such markers and treatments.

(3) No study shall be funded under the program that is based on psychiatric illness and psychological stress as the central cause of such complex of symptoms (as is consistent with current research findings).

(d) COMPETITIVE SELECTION AND PEER REVIEW.—The program shall be conducted using competitive selection and peer review for the identification of activities having the most substantial scientific merit, utilizing individual and collective expertise on Gulf War illnesses in the design of the solicitation and in the scientific and programmatic review processes.

SA 3019. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 211 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection C of title V, add the following:

SEC. 536. ENHANCEMENT OF REVERSE SOLDIER READINESS PROCESSING DEMOBILIZATION PROCEDURE FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE.

The Secretary of Defense and the Secretary of Veterans Affairs shall jointly modify the demobilization procedure for members of the Armed Forces known as Reverse Soldier Readiness Processing by providing for the presence of appropriate Department of Veterans Affairs personnel during such demobilization process in order to achieve the following:

(1) The voluntary registration of members of the National Guard and Reserve for health care provided by the Department of Veterans Affairs.

(2) The provision of assistance to members of the National Guard in applying for benefits and services from the Department of Veterans Affairs.

(3) The provision of information to members of the National Guard and Reserve on the benefits and services available through the Department of Veterans Affairs.

SA 3020. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 211 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 574. INNOCENT CHILD PROTECTION IN EXECUTION OF SENTENCES OF DEATH.

Section 6501(b)(10) of title 18, United States Code (article 57 of the Uniform Code of Military Justice), is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

(2) in subsection (d), by adding at the end the following new paragraph:

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 of the reasons for the decision of the Comptroller General of the response of the Defense Finance and Accounting Service to the decision in Butterbaugh v. Department of Justice (386 F.3d 1332 (2003)).

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

(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 of 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 assumption that laws providing benefits to veterans are liberally construed in favor of the veteran.

(5) an estimate of the 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 for 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 to resolve all outstanding claims under the decision in Butterbaugh v. Department of Justice.
NOTICE OF HEARING
COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a bill has been added to a previously announced hearing before the Committee on Energy and Natural Resources, Subcommittee on National Parks.

The hearing will be held on September 27, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The bill is S. 1039, a bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel.pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9683 or Rachel Pasternack at (202) 224–0663.

AUTHORITY FOR COMMITTEES TO MEET
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, September 20, 2007, at 10 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a business meeting to consider several General Services Administration Resolutions and S. 589, a bill to provide for the transfer of certain Federal property to the United States Paralympics, Incorporated, a subsidiary of the United States Olympic Committee, to be followed immediately with a hearing entitled, “Oversight Hearing to Examine the Condition of our Nation’s Bridges.”

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

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 20, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on “Frozen Out: A Review of Bank Treatment of Small Business Entrepreneurs: The Future of Women’s Entrepreneurship be authorized to conduct a markup on Thursday, September 20, 2007, at 10 a.m. in the Dirksen Senate Office Building Room 226.

Agenda

I. Bills

S. 1845, A bill to provide for limitations in certain communications between the Department of Justice and the White House (Whitehouse, Leahy).

S. 772, Railroad Antitrust Enforcement Act of 2007 (Kohl, Coleman, Feingold).


S. 1703, Trafficking in Persons Accountability Act of 2007 (Durbin, Coburn).

II. Nominations

Jennifer Walker Elrod to be United States Circuit Judge for the Fifth Circuit.

Patrick Shen, Special Counsel for Immigration Related Unfair Employment Practices.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate in order to conduct a hearing entitled “Expanding Opportunities for Women Entrepreneurs: The Future of Women’s Small Business Programs:” on Thursday, September 20, 2007, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

COMMITTEE ON VETERANS’ AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent for the Committee on Veterans’ Affairs to be authorized to meet during the session of the Senate on Thursday, September 20, 2007, in order to conduct a Joint Hearing to receive the 2007 legislative presentation by the American Legion. The Committee will meet in 345 Cannon House Office Building at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent for the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 20, 2007 at 2:30 p.m. to hold a hearing.