

bill S. 2766, supra; which was ordered to lie on the table.

SA 4233. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4234. Mr. SANTORUM (for himself and Mr. CORNYN) proposed an amendment to the bill S. 2766, supra.

SA 4235. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4236. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4237. Mr. MARTINEZ (for himself and Mr. NELSON, of Florida) proposed an amendment to the bill S. 2766, supra.

SA 4238. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4239. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4240. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4241. Mr. MCCAIN (for himself, Mr. FRIST, Mr. LEVIN, Mr. INHOFE, Mr. KENNEDY, Mr. ROBERTS, Mr. BYRD, Mr. SESSIONS, Mr. LIEBERMAN, Ms. COLLINS, Mr. REED, Mr. ENSIGN, Mr. AKAKA, Mr. TALENT, Mr. NELSON, of Florida, Mr. CHAMBLISS, Mr. NELSON, of Nebraska, Mr. GRAHAM, Mr. DAYTON, Mrs. DOLE, Mr. BAYH, Mr. CORNYN, Mrs. CLINTON, Mr. THUNE, Mr. ALLARD, and Mr. ALLEN) proposed an amendment to the bill S. 2766, supra.

SA 4242. Mr. MCCAIN (for himself, Mr. WARNER, Mr. LEVIN, Mr. GRAHAM, Mr. BYRD, Mr. GREGG, Mr. HAGEL, Mr. CHAMBLISS, Ms. COLLINS, Mr. COBURN, Mr. CONRAD, Mr. REID, Mr. STEVENS, Ms. SNOWE, Mr. ENSIGN, Mr. LIEBERMAN, Mr. OBAMA, Mr. INOUE, Mr. AKAKA, Mr. SALAZAR, Mr. DODD, and Mr. BURNS) proposed an amendment to the bill S. 2766, supra.

SA 4243. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4244. Mr. BIDEN (for himself, Mr. BINGAMAN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4245. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4246. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4247. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4248. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4249. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4250. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4251. Mr. DOMENICI submitted an amendment intended to be proposed by him

to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4252. Mr. REID (for himself, Mr. LEAHY, Mr. SPECTER, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4221.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 375. REDUCTION IN PETROLEUM CONSUMPTION BY THE DEPARTMENT OF DEFENSE VEHICLE FLEET.**

(a) **REDUCTION REQUIRED.**—The Secretary of Defense shall take appropriate actions to ensure that the amount of petroleum consumed in fiscal year 2009 by the vehicle fleets of the Department of Defense that are subject to the provisions of section 400AA of the Energy Policy and Conservation Act (42 U.S.C. 6374) is at least 10 percent less than the amount of petroleum consumed in fiscal year 2005 by such vehicle fleets.

(b) **ACHIEVEMENT OF REDUCTION.**—The Secretary may achieve the reduction required by subsection (a) by any mechanism as follows:

- (1) Through the use of alternative fuels.
- (2) Through the acquisition of vehicles with better fuel economy, including hybrid vehicles.
- (3) Through the substitution of cars for light trucks.
- (4) Through an increase in vehicle load factors.
- (5) Through a decrease in vehicle miles traveled.
- (6) Through a decrease in fleet size.
- (7) Through any other mechanism that the Secretary considers appropriate.

(c) **PILOT PROGRAMS AUTHORIZED.**—The Secretary may carry out one or more pilot programs to assess the feasibility and advisability of utilizing any mechanism specified in subsection (b), and any other mechanism, to achieve the reduction required by subsection (a).

(d) **REPORTS.**—Not later than December 31 of each of 2007, 2008, and 2009, the Secretary shall submit to the congressional defense committees a report on the actions taken during the preceding fiscal year to meet the reduction required by subsection (a). Each report shall, for the fiscal year covered by such report, set forth the following:

- (1) A description of the actions taken.
- (2) An assessment of the effectiveness of such actions in meeting the reduction.
- (3) An assessment of the progress of the Department toward meeting the reduction.

**SA 4222.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year

for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 375. UTILIZATION OF FUEL CELLS AS BACK-UP POWER SYSTEMS IN DEPARTMENT OF DEFENSE OPERATIONS.**

The Secretary of Defense shall consider the utilization of fuel cells as replacements for current back-up power systems in a variety of Department of Defense operations and activities, including in telecommunications networks, perimeter security, and remote facilities, in order to increase the operational longevity of back-up power systems and stand-by power systems in such operations and activities.

**SA 4223.** Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 352. REPORT ON MECHANISMS TO REDUCE PETROLEUM CONSUMPTION IN DEPARTMENT OF DEFENSE OPERATIONS.**

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on actions (whether or not currently authorized by law) to be taken to achieve reductions in petroleum consumption in the operations and activities of the Department of Defense, including in the operation of military vehicles, vessels, and aircraft.

(b) **ACTIONS REQUIRING ADDITIONAL AUTHORITY.**—In the event an action set forth in the report required by subsection (a) cannot be taken without additional authority in law, the report shall include such recommendations for legislative action as the Secretary considers appropriate to provide adequate authority for such action.

**SA 4224.** Mr. OBAMA (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 267, beginning on line 24, insert after “mental health” the following: “(including Traumatic Brain Injury (TBI))”.

On page 268, line 13, insert “(including Traumatic Brain Injury)” after “mental health”.

**SA 4225.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year

for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division C, add the following new title:

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

**SEC. 3301. TRANSFER OF GOVERNMENT-FURNISHED URANIUM STORED AT SEQUOYAH FUELS CORPORATION, GORE, OKLAHOMA.**

(a) **TRANSPORT AND DISPOSAL.**—Not later than March 31, 2007, the Secretary of the Army shall, subject to subsection (c), transport to an authorized disposal facility for appropriate disposal all of the Federal Government-furnished uranium in the chemical and physical form in which it is stored at the Sequoyah Fuels Corporation site in Gore, Oklahoma.

(b) **SOURCE OF FUNDS.**—Funds authorized to be appropriated by section 301(1) for the Army for operation and maintenance may be used for the transport and disposal required under subsection (a).

(c) **LIABILITY.**—The Secretary may only transport uranium under subsection (a) after receiving from Sequoyah Fuels Corporation a written agreement satisfactory to the Secretary that provides that—

(1) the United States assumes no liability, legal or otherwise, of Sequoyah Fuels Corporation by transporting such uranium; and

(2) the Sequoyah Fuels Corporation waives any and all claims it may have against the United States related to the transported uranium.

**SA 4226.** Mr. GRAHAM (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 552. CLARIFICATION OF APPLICATION OF UNIFORM CODE OF MILITARY JUSTICE DURING A TIME OF WAR.**

Paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by striking “war” and inserting “declared war or a contingency operation”.

**SA 4227.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1084. MAINTENANCE OF TROOPS STRENGTHS AND EQUIPMENT OF THE NATIONAL GUARD AND RESERVES PENDING REPORT OF THE COMMISSION ON THE NATIONAL GUARD AND RESERVES.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, no action described in

subsection (b) may be taken until 90 days after the date of the submittal to Congress of the final report of the Commission on the National Guard and Reserves under section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

(b) **COVERED ACTIONS.**—An action described in this section is an action as follows:

(1) To reduce the strength levels of personnel of the reserve components of the Armed Forces.

(2) To disestablish any hardware unit of a reserve component of the Armed Forces.

(3) To reduce the equipment available to the reserve components of the Armed Forces for training.

**SA 4228.** Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 587. COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS.**

(a) **REPORT.**—As soon as practicable after the completion of the comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the congressional defense committees a report on the review.

(b) **ADDITIONAL ELEMENTS.**—In conducting the comprehensive review described in subsection (a), the Secretary shall also address, in addition to any other matters covered by the review, the following:

(1) The utilization of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

(2) The relocation of refrigeration assets further forward in the field.

(3) Specific time standards for the movement of remains from combat units.

(4) The forward location of autopsy and embalming operations.

(5) Any other matters that the Secretary considers appropriate in order to speed the return of remains to the United States in a non-decomposed state.

(c) **ADDITIONAL ELEMENT OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.**—Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

“(12) The process by which the Department of Defense, upon request, briefs survivors of military decedents on the cause of, and any investigation into, the death of such military decedents and on the disposition and transportation of the remains of such decedents, which process shall—

“(A) provide for the provision of such briefings by fully qualified Department personnel;

“(B) ensure briefings take place as soon as possible after death and updates are provided in a timely manner when new information becomes available;

“(C) ensure that—

“(i) such briefings and updates relate the most complete and accurate information available at the time of such briefings or updates, as the case may be; and

“(ii) incomplete or unverified information is identified as such during the course of such briefings or updates; and

“(D) include procedures by which such survivors shall, upon request, receive updates or supplemental information on such briefings or updates from qualified Department personnel.”.

**SA 4229.** Mr. CHAMBLISS (for himself and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 352. STUDIES ON USE OF BIODIESEL, ETHANOL, AND OTHER ALTERNATIVE FUELS.**

(a) **STUDY ON USE FOR FORWARD DEPLOYED AND TACTICAL PURPOSES.**—The Secretary of Defense shall conduct a review and assessment of potential requirements of the Armed Forces and the Defense Agencies for increased use of biodiesel, ethanol fuel, and other alternative fuels for forward deployed uses and tactical uses, including any research and development efforts required to meet such increased requirements.

(b) **STUDY ON USE OF OTHER ALTERNATIVE FUELS FOR MILITARY PURPOSES.**—The Secretary shall also conduct a study of the potential use of alternative fuels (other than biodiesel and ethanol fuel) by the Armed Forces and the Defense Agencies that addresses each matter set forth in paragraph (1) and paragraphs (3) through (7) of section 357(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3207) with respect to such alternative fuels (rather than the fuels specified in such paragraphs).

(c) **CONSTRUCTION WITH OTHER STUDY.**—The studies required by this section are in addition to the study required by section 357(a) of the National Defense Authorization Act for Fiscal Year 2006.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the studies conducted under this section.

(e) **DEFINITIONS.**—In this section:

(1) The term “biodiesel” has the meaning given that term in section 357(d)(2) of the National Defense Authorization Act for Fiscal Year 2006.

(2) The term “ethanol fuel” includes the following:

(A) Fuel that is 85 percent ethyl alcohol.

(B) Fuel that has a lower concentration of ethyl alcohol, such as 10 percent ethyl alcohol blend fuel.

**SA 4230.** Mr. DORGAN (for himself, Mr. BINGAMAN, Mrs. BOXER, Mr. DAYTON, Mr. FEINGOLD, Mr. JOHNSON, Mr. KERRY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. PRYOR, Mr. REID, Mr. HARKIN, Mr. WYDEN, Mr. KENNEDY, and Mrs. CLINTON) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of division A, add the following:

**TITLE XV—ELIMINATION OF FRAUD IN GOVERNMENT CONTRACTING**

**SEC. 1501. SHORT TITLE.**

This title may be cited as the “Honest Leadership and Accountability in Contracting Act of 2006”.

**Subtitle A—Elimination of Fraud and Abuse**

**SEC. 1511. PROHIBITION OF WAR PROFITEERING AND FRAUD.**

(a) PROHIBITION.—

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

**“§ 1039. War profiteering and fraud**

“(a) PROHIBITION.—

“(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with a war or military action knowingly and willfully—

“(A) executes or attempts to execute a scheme or artifice to defraud the United States or the entity having jurisdiction over the area in which such activities occur;

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

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

“(D) materially overvalues any good or service with the specific intent to excessively profit from the war or military action; shall be fined under paragraph (2), imprisoned not more than 20 years, or both.

“(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

“(A) \$1,000,000; or

“(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

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

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

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

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

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

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

“1039. War profiteering and fraud.”.

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting “1039,” after “1032.”.

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking “or 1030” and inserting “1030, or 1039”.

(d) TREATMENT UNDER MONEY LAUNDERING OFFENSE.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: “, section 1039 (relating to war profiteering and fraud)” after “liquidating agent of financial institution).”.

**SEC. 1512. SUSPENSION AND DEBARMENT OF UNETHICAL CONTRACTORS.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act,

the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to provide that no prospective contractor shall be considered to have a satisfactory record of integrity and business ethics if it—

(1) has exhibited a pattern of overcharging the Government under Federal contracts; or

(2) has exhibited a pattern of failing to comply with the law, including tax, labor and employment, environmental, antitrust, and consumer protection laws.

(b) EFFECTIVE DATE.—The revised regulation required by this section shall apply with respect to all contracts for which solicitations are issued after the date that is 90 days after the date of the enactment of this Act.

**SEC. 1513. DISCLOSURE OF AUDIT REPORTS.**

(a) DISCLOSURE OF INFORMATION TO CONGRESS.—

(1) IN GENERAL.—The head of each executive agency shall maintain a list of audit reports issued by the agency during the current and previous calendar years that—

(A) describe significant contractor costs that have been identified as unjustified, unsupported, questioned, or unreasonable under any contract, task or delivery order, or subcontract; or

(B) identify significant or substantial deficiencies in any business system of any contractor under any contract, task or delivery order, or subcontract.

(2) SUBMISSION OF INDIVIDUAL AUDITS.—The head of each executive agency shall provide, within 14 days of a request in writing by the chairman or ranking member of a committee of jurisdiction, a full and unredacted copy of—

(A) the current version of the list maintained pursuant to paragraph (1); or

(B) any audit or other report identified on such list.

(b) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR PENALTIES AND VIOLATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Procurement Data System shall be modified to include—

(A) information on instances in which any major contractor has been fined, paid penalties or restitution, settled, plead guilty to, or had judgments entered against it in connection with allegations of improper conduct; and

(B) information on all sole source contract awards in excess of \$2,000,000 entered into by an executive agency.

(2) PUBLICLY AVAILABLE WEBSITE.—The information required by paragraph (1) shall be made available through the publicly available website of the Federal Procurement Data System.

**Subtitle B—Contract Matters**

**Part 1—Competition in Contracting**

**SEC. 1521. PROHIBITION ON AWARD OF MONOPOLY CONTRACTS.**

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

“(4)(A) No task or delivery order contract in an amount estimated to exceed \$100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

“(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

“(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

“(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

“(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).”.

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

“(4)(A) No task or delivery order contract in an amount estimated to exceed \$100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

“(i) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

“(ii) the task orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work; or

“(iii) for any other reason, it is necessary in the public interest to award the contract to a single contractor.

“(B) The head of the agency shall notify Congress within 30 days of any determination under subparagraph (A)(iii).”.

**SEC. 1522. COMPETITION IN MULTIPLE AWARD CONTRACTS.**

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require competition in the purchase of goods and services by each executive agency pursuant to multiple award contracts.

(b) CONTENT OF REGULATIONS.—(1) The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of goods or services in excess of \$1,000,000 that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer of the executive agency—

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

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

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

(B) justifies the determination in writing.

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

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

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

(3) Notwithstanding paragraph (2), notice may be provided to fewer than all contractors offering such goods or services under a multiple award contract described in subsection (c)(2)(A) if notice is provided to as many contractors as practicable.

(4) A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under paragraph (3) unless—

(A) offers were received from at least three qualified contractors; or

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

(c) DEFINITIONS.—In this section:

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

(2) The term “multiple award contract” means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3));

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

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

(d) **APPLICABILITY.**—The revisions to the Federal Acquisition Regulation pursuant to subsection (a) shall take effect not later than 180 days after the date of the enactment of this Act, and shall apply to all individual purchases of goods or services that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

(e) **CONFORMING AMENDMENTS TO DEFENSE CONTRACT PROVISION.**—Section 803 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 10 U.S.C. 2304 note) is amended as follows:

(1) **GOODS COVERED.**—(A) The section heading is amended by inserting “**GOODS OR**” before “**SERVICES**”.

(B) Subsection (a) is amended by inserting “goods and” before “services”.

(C) The following provisions are amended by inserting “goods or” before “services” each place it appears:

(i) Paragraphs (1), (2), and (3) of subsection (b).

(ii) Subsection (d).

(D) Such section is amended by adding at the end the following new subsection:

“(e) **APPLICABILITY TO GOODS.**—The Secretary shall revise the regulations promulgated pursuant to subsection (a) to cover purchases of goods by the Department of Defense pursuant to multiple award contracts. The revised regulations shall take effect in final form not later than 180 days after the date of the enactment of this subsection and shall apply to all individual purchases of goods that are made under multiple award contracts on or after the effective date, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.”

(f) **PROTEST RIGHTS FOR CERTAIN AWARDS.**—

(1) **CIVILIAN AGENCY CONTRACTS.**—Section 303J(d) of the Federal Property and Administrative Services Act (41 U.S.C. 253j(d)) is amended by inserting “with a value of less than \$500,000” after “task or delivery order”.

(2) **DEFENSE CONTRACTS.**—Section 2304c(d) of title 10, United States Code, is amended by inserting “with a value of less than \$500,000” after “task or delivery order”.

## Part 2—Contract Personnel Matters

### SEC. 1531. CONTRACTOR CONFLICTS OF INTEREST.

(a) **PROHIBITION ON CONTRACTS RELATING TO INHERENTLY GOVERNMENTAL FUNCTIONS.**—The head of an agency may not enter into a contract for the performance of any inherently governmental function.

(b) **PROHIBITION ON CONTRACTS FOR CONTRACT OVERSIGHT.**—

(1) **PROHIBITION.**—The head of an agency may not enter into a contract for the per-

formance of acquisition functions closely associated with inherently governmental functions with any entity unless the head of the agency determines in writing that—

(A) neither that entity nor any related entity will be responsible for performing any of the work under a contract which the entity will help plan, evaluate, select a source, manage or oversee; and

(B) the agency has taken appropriate steps to prevent or mitigate any organizational conflict of interest that may arise because the entity—

(i) has a separate ongoing business relationship, such as a joint venture or contract, with any of the contractors to be overseen;

(ii) would be placed in a position to affect the value or performance of work it or any related entity is doing under any other Government contract;

(iii) has a reverse role with the contractor to be overseen under one or more separate Government contracts; or

(iv) has some other relationship with the contractor to be overseen that could reasonably appear to bias the contractor’s judgment.

(2) **RELATED ENTITY DEFINED.**—In this subsection, the term “related entity”, with respect to a contractor, means any subsidiary, parent, affiliate, joint venture, or other entity related to the contractor.

(c) **DEFINITIONS.**—In this section:

(1) The term “inherently governmental functions” has the meaning given to such term in part 7.5 of the Federal Acquisition Regulation.

(2) The term “functions closely associated with governmental functions” means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

(3) The term “organizational conflict of interest” has the meaning given such term in part 9.5 of the Federal Acquisition Regulation.

(d) **EFFECTIVE DATE AND APPLICABILITY.**—This section shall take effect on the date of the enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for the performance of a function relating to contract oversight regardless of whether such contract was entered into before, on, or after such date.

### SEC. 1532. ELIMINATION OF REVOLVING DOOR BETWEEN FEDERAL PERSONNEL AND CONTRACTORS.

(a) **ELIMINATION OF LOOPHOLES ALLOWING FORMER FEDERAL OFFICIALS TO ACCEPT COMPENSATION FROM CONTRACTORS OR RELATED ENTITIES.**—

(1) **IN GENERAL.**—Paragraph (1) of subsection (d) of section 27 of the Federal Procurement Policy Act (41 U.S.C. 423) is amended—

(A) by striking “or consultant” and inserting “consultant, lawyer, or lobbyist”;

(B) by striking “one year” and inserting “two years”; and

(C) in subparagraph (C), by striking “personally made for the Federal agency—” and inserting “participated personally and substantially in—”.

(2) **DEFINITION.**—Paragraph (2) of such subsection is amended to read as follows:

“(2) For purposes of paragraph (1), the term ‘contractor’ includes any division, affiliate, subsidiary, parent, joint venture, or other related entity of a contractor.”

(b) **PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS TO FORMER EMPLOYERS.**—Such section is further amended by adding at the end the following new subsection:

“(i) **PROHIBITION ON INVOLVEMENT BY CERTAIN FORMER CONTRACTOR EMPLOYEES IN PROCUREMENTS.**—A former employee of a contractor who becomes an employee of the Federal Government shall not be personally and substantially involved with any Federal agency procurement involving the employee’s former employer, including any division, affiliate, subsidiary, parent, joint venture, or other related entity of the former employer, for a period of two years beginning on the date on which the employee leaves the employment of the contractor unless the designated agency ethics officer for the agency determines in writing that the government’s interest in the former employee’s participation in a particular procurement outweighs any appearance of impropriety.”

(c) **REQUIREMENT FOR FEDERAL PROCUREMENT OFFICERS TO DISCLOSE JOB OFFERS MADE TO RELATIVES.**—Subsection (c)(1) of such section is amended by inserting after “that official” the following: “, or for a relative of that official (as defined in section 3110 of title 5, United States Code).”

(d) **ADDITIONAL CRIMINAL PENALTIES.**—Paragraph (1) of subsection (e) of such section is amended to read as follows:

“(1) **CRIMINAL PENALTIES.**—Whoever engages in conduct constituting a violation of—

“(A) subsection (a) or (b) for the purpose of either—

“(i) exchanging the information covered by such subsection for anything of value, or

“(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract; or

“(B) subsection (c) or (d);

shall be imprisoned for not more than 5 years, fined as provided under title 18, United States Code, or both.”

(e) **REGULATIONS.**—Such section is further amended by adding at the end the following new subsection:

“(j) **REGULATIONS.**—The Director of the Office of Government Ethics, in consultation with the Administrator, shall—

“(1) promulgate regulations to carry out and ensure the enforcement of this section; and

“(2) monitor and investigate individual and agency compliance with this section.”

## Subtitle C—Other Personnel Matters

### SEC. 1541. MINIMUM REQUIREMENTS FOR POLITICAL APPOINTEES HOLDING PUBLIC CONTRACTING AND SAFETY POSITIONS.

(a) **IN GENERAL.**—A position specified in subsection (b) may not be held by any political appointee who does not meet the requirements of subsection (c).

(b) **SPECIFIED POSITIONS.**—A position specified in this subsection is any position as follows:

(1) A public contracting position.

(2) A public safety position.

(c) **MINIMUM REQUIREMENTS.**—An individual shall not, with respect to any position, be considered to meet the requirements of this subsection unless such individual—

(1) has academic, management, and leadership credentials in one or more areas relevant to such position;

(2) has a superior record of achievement in one or more areas relevant to such position;

(3) has training and expertise in one or more areas relevant to such position; and

(4) has not, within the 2-year period ending on the date of such individual’s nomination for or appointment to such position, been a lobbyist for any entity or other client that is subject to the authority of the agency within which, if appointed, such individual would serve.

(d) **POLITICAL APPOINTEE.**—For purposes of this section, the term “political appointee” means any individual who—

(1) is employed in a position listed in sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service; or

(3) is employed in the executive branch of the Government in a position which has been excepted from the competitive service by reason of its policy-determining, policy-making, or policy-advocating character.

(e) **PUBLIC CONTRACTING POSITION.**—For purposes of this section, the term “public contracting position” means the following:

(1) The Administrator for Federal Procurement Policy.

(2) The Administrator of the General Services Administration.

(3) The Chief Acquisition Officer of any executive agency, as appointed or designated pursuant to section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414).

(4) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(5) Any position (not otherwise identified under any of the preceding provisions of this subsection) a primary function of which involves government procurement and procurement policy, as identified by the head of each employing agency in consultation with the Office of Personnel Management.

(f) **PUBLIC SAFETY POSITION.**—For purposes of this section, the term “public safety position” means the following:

(1) The Under Secretary for Emergency Preparedness and Response, Department of Homeland Security.

(2) The Director of the Federal Emergency Management Agency, Department of Homeland Security.

(3) Each regional director of the Federal Emergency Management Agency, Department of Homeland Security.

(4) The Recovery Division Director of the Federal Emergency Management Agency, Department of Homeland Security.

(5) The Assistant Secretary for Immigration and Customs Enforcement, Department of Homeland Security.

(6) The Assistant Secretary for Public Health Emergency Preparedness, Department of Health and Human Services.

(7) The Assistant Administrator for Solid Waste and Emergency Response, Environmental Protection Agency.

(8) Any position (not otherwise identified under any of the preceding provisions of this subsection) a primary function of which involves responding to a direct threat to life or property or a hazard to health, as identified by the head of each employing agency in consultation with the Office of Personnel Management.

(g) **PUBLICATION OF POSITIONS.**—Beginning not later than 30 days after the date of the enactment of this Act, the head of each agency shall maintain on such agency’s public website a current list of all public contracting positions and public safety positions within such agency.

(h) **COORDINATION WITH OTHER REQUIREMENTS.**—The requirements set forth in subsection (c) shall be in addition to, and not in lieu of, any requirements that might otherwise apply with respect to any particular position.

(i) **DEFINITIONS.**—In this section:

(1) The term “agency” means an Executive agency (as defined by section 105 of title 5, United States Code).

(2) The terms “limited term appointee”, “limited emergency appointee”, and “non-career appointee” have the meanings given such terms in section 3132 of title 5, United States Code.

(3) The term “Senior Executive Service” has the meaning given such term by section 2101a of title 5, United States Code.

(4) The term “competitive service” has the meaning given such term by section 2102 of title 5, United States Code.

(5) The terms “lobbyist” and “client” have the respective meanings given them by section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602).

(j) **CONFORMING AMENDMENT.**—Section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a)) is amended by striking “non-career employee as”.

**SEC. 1542. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.**

(a) **CLARIFICATION OF DISCLOSURES COVERED.**—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “which the employee or applicant reasonably believes evidences” and inserting “, without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee’s duties, that the employee or applicant reasonably believes is evidence of”; and

(B) in clause (i), by striking “a violation” and inserting “any violation”;

(2) in subparagraph (B)—

(A) by striking “which the employee or applicant reasonably believes evidences” and inserting “, without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee’s duties, of information that the employee or applicant reasonably believes is evidence of”; and

(B) in clause (i), by striking “a violation” and inserting “any violation (other than a violation of this section)”; and

(3) by adding at the end the following:

“(C) any disclosure that—

“(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

“(I) any violation of any law, rule, or regulation;

“(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

“(III) a false statement to Congress on an issue of material fact; and

“(ii) is made to—

“(I) a member of a committee of Congress;

“(II) any other Member of Congress; or

“(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.”.

(b) **COVERED DISCLOSURES.**—Section 2302(a)(2) of title 5, United States Code, is amended—

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

(2) in subparagraph (C)(iii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) ‘disclosure’ means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

“(i) any violation of any law, rule, or regulation; or

“(ii) gross management, a gross waste of funds, an abuse of authority, or a substantial

and specific danger to public health or safety.”.

(c) **REBUTTABLE PRESUMPTION.**—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

“This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.”.

(d) **NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.**—

(1) **PERSONNEL ACTION.**—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking “and” after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

“(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

“(xii) a suspension, revocation, or other termination relating to a security clearance or any other access determination by a covered agency;

“(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and”.

(2) **PROHIBITED PERSONNEL PRACTICE.**—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking “or” at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

“(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: ‘These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 (governing disclosures to Congress); section 1034 of title 10 (governing disclosure to Congress by members of the military); section 2302(b)(8) (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18 and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by

such Executive order and such statutory provisions are incorporated into this agreement and are controlling"; or

"(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section."

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

**"§ 7702a. Actions relating to security clearances**

"(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

"(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

"(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

"(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

"(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regards to a security clearance or access determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

"(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regards to the security clearance or access determination.

"(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

"(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure."

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

**"7702a. Actions relating to security clearances."**

(e) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

"(ii)(I) the Federal Bureau of Investigation, the Office of the Director of National Intelligence, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, and the National Security Agency; and

"(II) as determined by the President, any executive agency or unit thereof the prin-

cipal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or"

(f) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking "agency involved" and inserting "agency where the prevailing party is employed or has applied for employment".

(g) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

"(3)(A) A final order of the Board may impose—

"(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

"(ii) an assessment of a civil penalty not to exceed \$1,000; or

"(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

"(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity."

(h) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

"(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 73 and the impact court decisions would have on the enforcement of such provisions of law.

"(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a)."

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

"(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

"(B) During the 5-year period beginning on the effective date of this subsection, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2)."

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

"(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

"(2) During the 5-year period beginning on the effective date of this subsection, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals."

(j) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50

U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.”.

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(k) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: “For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.”.

(l) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting “, including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures” after “chapter 12 of this title”.

(m) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting “, after a finding that a protected disclosure was a contributing factor,” after “ordered if”.

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting “, after a finding that a protected disclosure was a contributing factor,” after “ordered if”.

(n) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect 30 days after the date of the enactment of this Act.

**SA 4231.** Mr. DEWINE (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 730. MENTAL HEALTH SELF-ASSESSMENT PROGRAM.**

(a) FINDING.—Congress finds that the Mental Health Self-Assessment Program (MHSAP) of the Department of Defense is vital to the overall health and well-being of deploying members of the Armed Forces and their families because that program provides—

(1) a non-threatening, voluntary, anonymous self-assessment of mental health that is effective in helping detect mental health and substance abuse conditions;

(2) awareness regarding warning signs of such conditions; and

(3) information and outreach to members of the Armed Forces (including members of the National Guard and Reserves) and their families on specific services available for such conditions.

(b) EXPANSION OF PROGRAM.—The Secretary of Defense shall, acting through the Office of Health Affairs of the Department of Defense, take appropriate actions to expand the Mental Health Self-Assessment Program in order to achieve the following:

(1) The continuous availability of the assessment under the program to members and former members of the Armed Forces in order to ensure the long-term availability of the diagnostic mechanisms of the assessment to detect mental health conditions that may emerge over time.

(2) The availability of programs and services under the program to address the mental health of dependent children of members of the Armed Forces who have been deployed or mobilized.

(c) OUTREACH.—The Secretary shall develop and implement a plan to conduct outreach and other appropriate activities to expand and enhance awareness of the Mental Health Self-Assessment Program, and the programs and services available under that program, among members of the Armed Forces (including members of the National Guard and Reserves) and their families.

(d) REPORTS.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the actions undertaken under this section during the one-year period ending on the date of such report.

**SA 4232.** Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 2814. NAMING OF ADMINISTRATION BUILDING AT JOINT SYSTEMS MANUFACTURING CENTER IN LIMA, OHIO, AFTER MICHAEL G. OXLEY, A MEMBER OF THE HOUSE OF REPRESENTATIVES.**

The administration building under construction at the Joint Systems Manufacturing Center in Lima, Ohio, shall, upon completion, be known and designated as the “Michael G. Oxley Administration and Technology Center”. Any reference in a law, map, regulation, document, paper, or other record of the United States to such administration building shall be deemed to be a reference to the Michael G. Oxley Administration and Technology Center.

**SA 4233.** Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 648. MODIFICATION OF ELIGIBILITY FOR COMMENCEMENT OF AUTHORITY FOR OPTIONAL ANNUITIES FOR DEPENDENTS UNDER THE SURVIVOR BENEFIT PLAN.**

(a) IN GENERAL.—Section 1448(d)(2)(B) of title 10, United States Code, is amended by striking “who dies after November 23, 2003” and inserting “who dies after October 1, 2001”.

(b) APPLICABILITY.—Any annuity payable to a dependent child under subchapter II of chapter 73 of title 10, United States Code, by reason of the amendment made by subsection (a) shall be payable only for months beginning on or after the date of the enactment of this Act.

**SA 4234.** Mr. SANTORUM (for himself and Mr. CORNYN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 476, between lines 5 and 6, insert the following:

**Subtitle C—Iran Freedom and Support  
PART I—CODIFICATION OF SANCTIONS  
AGAINST IRAN**

**SEC. 1231. SHORT TITLE.**

This subtitle may be cited as the “Iran Freedom and Support Act of 2006”.

**SEC. 1232. CODIFICATION OF SANCTIONS.**

(a) CODIFICATION OF SANCTIONS.—United States sanctions, controls, and regulations with respect to Iran imposed pursuant to Executive Order No. 12957, sections 1(b) through 1(g) and sections (2) through (6) of Executive Order No. 12959, and sections 2 and 3 of Executive Order No. 13059 (relating to exports and certain other transactions with Iran) as in effect on January 1, 2006, shall remain in effect until the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the Government of Iran has verifiably dismantled its weapons of mass destruction programs.

(b) NO EFFECT ON OTHER SANCTIONS RELATING TO SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.—Subsection (a) shall have no effect on United States sanctions, controls, and regulations relating to a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) relating to support for acts of international terrorism by the Government of Iran, as in effect on January 1, 2006.

**SEC. 1233. LIABILITY OF PARENT COMPANIES FOR VIOLATIONS OF SANCTIONS BY FOREIGN ENTITIES.**

(a) IN GENERAL.—In any case in which an entity engages in an act outside the United

States on or after January 1, 2007, which, if committed in the United States or by a United States person, would violate Executive Order No. 12959 of May 6, 1995, Executive Order No. 13059 of August 19, 1997, or any other prohibition on transactions with respect to Iran that is imposed under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and if that entity was created or availed of for the purpose of engaging in such an act, the parent company of that entity shall be subject to the penalties for such violation to the same extent as if the parent company had engaged in that act.

(b) DEFINITIONS.—In this section—

(1) an entity is a “parent company” of another entity if it owns, directly or indirectly, more than 50 percent of the equity interest in that other entity and is a United States person; and

(2) the term “entity” means a partnership, association, trust, joint venture, corporation, or other organization.

**PART II—AMENDMENTS TO THE IRAN AND LIBYA SANCTIONS ACT OF 1996 AND OTHER PROVISIONS RELATED TO INVESTMENT IN IRAN**

**SEC. 1241. MULTILATERAL REGIME.**

(a) REPORTS TO CONGRESS.—Section 4(b) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

“(b) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of the Iran Freedom Support Act of 2006 and every six months thereafter, the President shall submit to the appropriate congressional committees a report regarding specific diplomatic efforts undertaken pursuant to subsection (a), the results of those efforts, and a description of proposed diplomatic efforts pursuant to such subsection. Each report shall include—

“(1) a list of the countries that have agreed to undertake measures to further the objectives of section 3 with respect to Iran;

“(2) a description of those measures, including—

“(A) government actions with respect to public or private entities (or their subsidiaries) located in their territories, that are engaged in Iran;

“(B) any decisions by the governments of these countries to rescind or continue the provision of credits, guarantees, or other governmental assistance to these entities; and

“(C) actions taken in international fora to further the objectives of section 3;

“(3) a list of the countries that have not agreed to undertake measures to further the objectives of section 3 with respect to Iran, and the reasons therefor; and

“(4) a description of any memorandums of understanding, political understandings, or international agreements to which the United States has acceded which affect implementation of this section or section 5(a).”

(b) WAIVER.—Section 4(c) of such Act (50 U.S.C. 1701 note) is amended to read as follows:

“(c) WAIVER.—

“(1) IN GENERAL.—The President may, on a case by case basis, waive for a period of not more than six months the application of section 5(a) with respect to a national of a country if the President certifies to the appropriate congressional committees at least 30 days before such waiver is to take effect that—

“(A) such waiver is vital to the national security interests of the United States; and

“(B) the country of the national has undertaken substantial measures to prevent the acquisition and development of weapons of mass destruction by the Government of Iran.

“(2) SUBSEQUENT RENEWAL OF WAIVER.—If the President determines that, in accordance with paragraph (1), such a waiver is appropriate, the President may, at the conclusion of the period of a waiver under such paragraph, renew such waiver for subsequent periods of not more than six months each.”

(c) INVESTIGATIONS.—Section 4 of such Act (50 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

“(f) INVESTIGATIONS.—

“(1) IN GENERAL.—The President shall initiate an investigation into the possible imposition of sanctions against a person upon receipt by the United States of credible information indicating that such person is engaged in activity related to investment in Iran as described in section 5(a).

“(2) DETERMINATION AND NOTIFICATION.—

“(A) IN GENERAL.—Not later than 180 days after an investigation is initiated in accordance with paragraph (1), the President shall determine, pursuant to section 5(a), whether or not to impose sanctions against a person engaged in activity related to investment in Iran as described in such section as a result of such activity and shall notify the appropriate congressional committees of the basis for such determination.

“(B) EXTENSION.—If the President is unable to make a determination under subparagraph (A), the President shall notify the appropriate congressional committees and shall extend such investigation for a subsequent period, not to exceed 180 days, after which the President shall make the determination required under such subparagraph and shall notify the appropriate congressional committees of the basis for such determination in accordance with such subparagraph.

“(3) DETERMINATIONS REGARDING PENDING INVESTIGATIONS.—Not later than 90 days after the date of the enactment of the Iran Freedom and Support Act of 2006, the President shall, with respect to any investigation that was pending as of January 1, 2006, concerning a person engaged in activity related to investment in Iran as described in section 5(a), determine whether or not to impose sanctions against such person as a result of such activity and shall notify the appropriate congressional committees of the basis for such determination.

“(4) PUBLICATION.—Not later than 10 days after the President notifies the appropriate congressional committees under paragraphs (2) and (3), the President shall ensure publication in the Federal Register of the identification of the persons against which the President has made a determination that the imposition of sanctions is appropriate, together with an explanation for such determination.”

**SEC. 1242. IMPOSITION OF SANCTIONS.**

(a) SANCTIONS WITH RESPECT TO DEVELOPMENT OF PETROLEUM RESOURCES.—Section 5(a) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in the heading, by striking “TO IRAN” and inserting “TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN”;

(2) by striking “(6)” and inserting “(5)”; and

(3) by striking “with actual knowledge.”

(b) SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.—Section 5(b) of such Act (50 U.S.C. 1701 note) is amended to read as follows:

“(b) MANDATORY SANCTIONS WITH RESPECT TO DEVELOPMENT OF WEAPONS OF MASS DESTRUCTION OR OTHER MILITARY CAPABILITIES.—Notwithstanding any other provision of law, the President shall impose two or more of the sanctions described in paragraphs (1) through (5) of section 6 if the

President determines that a person has, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to Iran any goods, services, technology, or other items knowing that the provision of such goods, services, technology, or other items would contribute to the ability of Iran to—

“(1) acquire or develop chemical, biological, or nuclear weapons or related technologies; or

“(2) acquire or develop destabilizing numbers and types of advanced conventional weapons.”

(c) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—Section 5(c)(2) of such Act (50 U.S.C. 1701 note) is amended—

(1) in subparagraph (B)—

(A) by striking “, with actual knowledge,”; and

(B) by striking “or” at the end;

(2) in subparagraph (C)—

(A) by striking “, with actual knowledge,”; and

(B) by striking the period at the end and inserting “; or”;

(3) by adding after subparagraph (C) the following new subparagraph:

“(D) is a private or government lender, insurer, underwriter, or guarantor of the person referred to in paragraph (1) if that private or government lender, insurer, underwriter, or guarantor engaged in the activities referred to in paragraph (1).”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to actions taken on or after January 1, 2007.

**SEC. 1243. TERMINATION OF SANCTIONS.**

Section 8(a) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

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

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

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

“(3) poses no significant threat to United States national security, interests, or allies.”

**SEC. 1244. SUNSET.**

Section 13 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in the section heading, by striking “; SUNSET”;

(2) in subsection (a), by striking “(a) EFFECTIVE DATE.—”; and

(3) by striking subsection (b).

**SEC. 1245. CLARIFICATION AND EXPANSION OF DEFINITIONS.**

(a) PERSON.—Section 14(14)(B) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) by inserting after “trust,” the following: “financial institution, insurer, underwriter, guarantor, any other business organization, including any foreign subsidiaries of the foregoing,”; and

(2) by inserting before the semicolon the following: “, such as an export credit agency”.

(b) PETROLEUM RESOURCES.—Section 14(15) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by inserting after “petroleum” the second place it appears the following: “, petroleum by-products.”

**SEC. 1246. UNITED STATES PENSION PLANS.**

(a) FINDINGS.—Congress finds the following:

(1) The United States and the international community face no greater threat to their security than the prospect of rogue regimes who support international terrorism obtaining weapons of mass destruction, and particularly nuclear weapons.

(2) Iran is the leading state sponsor of international terrorism and is close to



achieving nuclear weapons capability but has paid no price for nearly twenty years of deception over its nuclear program. Foreign entities that have invested in Iran's energy sector, despite Iran's support of international terrorism and its nuclear program, have afforded Iran a free pass while many United States entities have unknowingly invested in those same foreign entities.

(3) United States investors have a great deal at stake in preventing Iran from acquiring nuclear weapons.

(4) United States investors can have considerable influence over the commercial decisions of the foreign entities in which they have invested.

(b) SENSE OF CONGRESS RELATING TO DIVESTITURE FROM IRAN.—It is the sense of Congress that managers of United States Government pension plans or thrift savings plans, managers of pension plans maintained in the private sector by plan sponsors in the United States, and managers of mutual funds sold or distributed in the United States should, to the extent consistent with the legal and fiduciary duties otherwise imposed on them, immediately initiate efforts to divest all investments of such plans or funds in any entity included on the list.

(c) SENSE OF CONGRESS RELATING TO PROHIBITION ON FUTURE INVESTMENT.—It is the sense of Congress that there should be, to the extent consistent with the legal and fiduciary duties otherwise imposed on them, no future investment in any entity included on the list by managers of United States Government pension plans or thrift savings plans, managers of pension plans maintained in the private sector by plan sponsors in the United States, and managers of mutual funds sold or distributed in the United States.

#### SEC. 1247. TECHNICAL AND CONFORMING AMENDMENTS.

(a) FINDINGS.—Section 2 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking paragraph (4).

(b) DECLARATION OF POLICY.—Section 3 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in subsection (a), by striking “(a) POLICY WITH RESPECT TO IRAN.”; and

(2) by striking subsection (b).

(c) TERMINATION OF SANCTIONS.—Section 8 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in subsection (a), by striking “(a) IRAN.”; and

(2) by striking subsection (b).

(d) DURATION OF SANCTIONS; PRESIDENTIAL WAIVER.—Section 9(c)(2)(C) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

“(C) an estimate of the significance of the provision of the items described in section 5(a) or section 5(b) to Iran's ability to, respectively, develop its petroleum resources or its weapons of mass destruction or other military capabilities; and”.

(e) REPORTS REQUIRED.—Section 10(b)(1) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking “and Libya” each place it appears.

(f) DEFINITIONS.—Section 14 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in paragraph (9)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “, or with the Government of Libya or a nongovernmental entity in Libya.”; and

(ii) by striking “nongovernmental” and inserting “nongovernmental”; and

(B) in subparagraph (A), by striking “or Libya (as the case may be)”;

(2) by striking paragraph (12); and

(3) by redesignating paragraphs (13), (14), (15), (16), and (17) as paragraphs (12), (13), (14), (15), and (16), respectively.

(g) SHORT TITLE.—

(1) IN GENERAL.—Section 1 of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking “and Libya”.

(2) REFERENCES.—Any reference in any other provision of law, regulation, document, or other record of the United States to the “Iran and Libya Sanctions Act of 1996” shall be deemed to be a reference to the “Iran Sanctions Act of 1996”.

### PART III—DIPLOMATIC EFFORTS TO CURTAIL IRANIAN NUCLEAR PROLIFERATION AND SPONSORSHIP OF INTERNATIONAL TERRORISM

#### SEC. 1251. DIPLOMATIC EFFORTS.

(a) SENSE OF CONGRESS RELATING TO UNITED NATIONS SECURITY COUNCIL AND THE INTERNATIONAL ATOMIC ENERGY AGENCY.—It is the sense of Congress that the President should instruct the United States Permanent Representative to the United Nations to work to secure support at the United Nations Security Council for a resolution that would impose sanctions on Iran as a result of its repeated breaches of its nuclear nonproliferation obligations, to remain in effect until Iran has verifiably dismantled its weapons of mass destruction programs.

(b) PROHIBITION ON ASSISTANCE TO COUNTRIES THAT INVEST IN THE ENERGY SECTOR OF IRAN.—

(1) WITHHOLDING OF ASSISTANCE.—If, on or after January 1, 2007, a foreign person (as defined in section 14 of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note), as renamed pursuant to section 1247(g)(1)) or an agency or instrumentality of a foreign government has more than \$20,000,000 invested in Iran's energy sector, the President shall, until the date on which such person or agency or instrumentality of such government terminates such investment, withhold assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to the government of the country to which such person owes allegiance or to which control is exercised over such agency or instrumentality.

(2) WAIVER.—Assistance prohibited by this section may be furnished to the government of a foreign country described in subsection (a) if the President determines that furnishing such assistance is important to the national security interests of the United States, furthers the goals described in this subtitle, and, not later than 15 days before obligating such assistance, notifies the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of such determination and submits to such committees a report that includes—

(A) a statement of the determination;

(B) a detailed explanation of the assistance to be provided;

(C) the estimated dollar amount of the assistance; and

(D) an explanation of how the assistance furthers United States national security interests.

#### SEC. 1252. STRENGTHENING THE NUCLEAR NONPROLIFERATION TREATY.

(a) FINDINGS.—Congress finds the following:

(1) Article IV of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483) (commonly referred to as the “Nuclear Nonproliferation Treaty” or “NPT”) states that countries that are parties to the Treaty have the “inalienable right . . . to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty”.

(2) Iran has manipulated Article IV of the Nuclear Nonproliferation Treaty to acquire technologies needed to manufacture nuclear weapons under the guise of developing peaceful nuclear technology.

(3) Legal authorities, diplomatic historians, and officials closely involved in the negotiation and ratification of the Nuclear Nonproliferation Treaty state that the Treaty neither recognizes nor protects such a *per se* right to all nuclear technology, such as enrichment and reprocessing, but rather affirms that the right to the use of peaceful nuclear energy is qualified.

(b) DECLARATION OF CONGRESS REGARDING UNITED STATES POLICY TO STRENGTHEN THE NUCLEAR NONPROLIFERATION TREATY.—Congress declares that it should be the policy of the United States to support diplomatic efforts to end the manipulation of Article IV of the Nuclear Nonproliferation Treaty, as undertaken by Iran, without undermining the Treaty itself.

### PART IV—IRANIAN NUCLEAR TRADE PROHIBITION PROVISIONS

#### SEC. 1261. FINDINGS.

Congress makes the following findings:

(1) Iran has pursued a nuclear program with assistance from foreign entities and foreign governments.

(2) It is important that Iran not seek to develop nuclear weapons under the cover of a civilian nuclear power program.

(3) The Government of Iran has asserted that its nuclear program is for peaceful purposes, however, that Government has supported terrorist organizations and uses harsh rhetoric towards allies of the United States in the Middle East, and the United States has expressed great concern with Iran's nuclear ambitions and has worked with United States allies to end Iran's nuclear program.

(4) In October 2003, the Government of Iran promised it would suspend uranium enrichment activities, but broke that promise less than a year later.

(5) In November 2004, the Government of Iran, in concert with talks with representatives of the Governments of Britain, France, and Germany (the “EU-3”) agreed to suspend all uranium enrichment and reprocessing activities related to Iran's nuclear program under the terms of the agreement made between the Islamic Republic of Iran and France, Germany and the United Kingdom, with the support of the High Representative of the European Union (the “Paris Agreement”).

(6) The EU-3 agreed to support the United States in taking Iran's nuclear program to the United Nations Security Council if Iran resumed its nuclear activities.

(7) In concert with the Paris Agreement, the President announced that the United States will drop its opposition to Iran's application to join the World Trade Organization and permit, on a case-by-case basis, the licensing of spare parts for Iranian commercial aircraft.

(8) Iran's uranium enrichment program is likely to be dispersed throughout the country, protected in hardened infrastructure, and highly mobile.

(9) The Parliament of Iran passed a non-binding resolution insisting that the Government of Iran resume developing nuclear fuel.

(10) That resolution stated that Iran should develop enough nuclear fuel to generate 20,000 megawatts of electricity.

(11) In February 2005, the Atomic Energy Agency of Russia announced that Russia would ship nuclear fuel to Iran's Bushehr nuclear reactor.

(12) Russia pledged to provide fuel to this facility for 10 years and, under the commitment, Iran has pledged to return spent fuel to Russia for storage.

(13) Russia remains the only major nuclear fuel market closed to outside competition and 100 percent of Russia's nuclear fuel industry is owned by the Government of Russia.

(14) Iran is the fourth-largest oil producer in the world.

(15) Iran has a wealth of natural gas and crude oil reserves and it is estimated that Iran plans to invest \$104,000,000,000 by 2015 in natural gas production and that Iran plans to increase crude oil production to 7,000,000 barrels a day by 2020.

**SEC. 1262. SENSE OF CONGRESS ON TRADE RELATIONS WITH STATE SPONSORS OF TERRORISM.**

It is the sense of Congress that the countries of the world should choose between trading with state sponsors of terrorism or maintaining good trade relations with the United States.

**SEC. 1263. PROHIBITION OF ENTRY OF NUCLEAR FUEL ASSEMBLIES.**

The Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by inserting after section 10 the following new section:

**“SEC. 10A. PROHIBITION OF ENTRY TO NUCLEAR FUEL ASSEMBLIES TO THE UNITED STATES.**

“(a) IN GENERAL.—Subject to subsection (b), the President shall prohibit the United States, or any entity of the United States, from purchasing nuclear fuel assemblies from any person or government entity, or any entity affiliated with such person or entity, that sells nuclear fuel assemblies to Iran.

“(b) WAIVER.—The President may waive the prohibition in subsection (a) if the President—

“(1) determines that the waiver is in the national security interest of the United States; and

“(2) at least 7 days before the waiver takes effect, notifies the required congressional committees of the President's intention to exercise the waiver.

“(c) DEFINITIONS.—In this section:

“(1) NUCLEAR FUEL ASSEMBLIES.—The term ‘nuclear fuel assemblies’ does not include low-enriched uranium (LEU). For the purpose of the preceding sentence the term ‘low-enriched uranium’ means a product produced using blended down weapons-grade and highly-enriched uranium (HEU) that is provided by the Russian entity Technasexport (also known as TENEX) in cooperation with the U.S. Enrichment Corporation, a subsidiary of USEC, Inc.

“(2) REQUIRED CONGRESSIONAL COMMITTEES.—The term ‘required congressional committees’ means the Committee on Armed Services, the Committee on Finance, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on International Relations, and the Committee on Ways and Means of the House of Representatives.”.

**PART V—DEMOCRACY IN IRAN**

**SEC. 1271. FINDINGS.**

Congress makes the following findings:

(1) The people of the United States have long demonstrated an interest in the well-being of the people of Iran, dating back to the 1830s.

(2) Famous Americans such as Howard Baker, Dr. Samuel Martin, Jane E. Doolittle, and Louis G. Dreyfus, Jr., made significant contributions to Iranian society by furthering the educational opportunities of the people of Iran and improving the opportunities of the less fortunate citizens of Iran.

(3) Iran and the United States were allies following World War II, and through the late 1970s Iran was as an important regional ally of the United States and a key bulwark against Soviet influence.

(4) In November 1979, following the arrival of Mohammed Reza Shah Pahlavi in the United States, a mob of students and extremists seized the United States Embassy in Tehran, Iran, holding United States diplomatic personnel hostage until January 1981.

(5) Following the seizure of the United States Embassy, Ayatollah Ruhollah Khomeini, leader of the repressive revolutionary movement in Iran, expressed support for the actions of the students in taking American citizens hostage.

(6) Despite the May 1997 presidential election in Iran, an election in which an estimated 91 percent of the electorate participated, control of the internal and external affairs of the Islamic Republic of Iran is still exercised by the courts in Iran and the Revolutionary Guards, Supreme Leader, and Council of Guardians of the Government of Iran.

(7) The election results of the May 1997 election and the high level of voter participation in that election demonstrate that the people of Iran favor economic and political reforms and greater interaction with the United States and the Western world in general.

(8) Efforts by the United States to improve relations with Iran have been rebuffed by the Government of Iran.

(9) President William J. Clinton eased sanctions against Iran and promoted people-to-people exchanges, but the Leader of the Islamic Revolution Ayatollah Ali Khamenei, the Militant Clerics' Society, the Islamic Coalition Organization, and Supporters of the Party of God have all opposed efforts to open Iranian society to Western influences and have opposed efforts to change the dynamic of relations between the United States and Iran.

(10) For the past two decades, the Department of State has found Iran to be the leading sponsor of international terrorism in the world.

(11) In 1983, the Iran-sponsored Hezbollah terrorist organization conducted suicide terrorist operations against United States military and civilian personnel in Beirut, Lebanon, resulting in the deaths of hundreds of Americans.

(12) The United States intelligence community and law enforcement personnel have linked Iran to attacks against American military personnel at Khobar Towers in Saudi Arabia in 1996 and to al Qaeda attacks against civilians in Saudi Arabia in 2004.

(13) According to the Department of State's Patterns of Global Terrorism 2001 report, “Iran's Islamic Revolutionary Guard Corps and Ministry of Intelligence and Security continued to be involved in the planning and support of terrorist acts and supported a variety of groups that use terrorism to pursue their goals,” and “Iran continued to provide Lebanese Hizballah and the Palestinian rejectionist groups—notably HAMAS, the Palestinian Islamic Jihad, and the [Popular Front for the Liberation of Palestine-General Command]—with varying amounts of funding, safehaven, training and weapons”.

(14) The Government of Iran currently operates more than 10 radio and television stations broadcasting in Iraq that incite violent actions against United States and coalition personnel in Iraq.

(15) The current leaders of Iran, Ayatollah Ali Khamenei and Hashemi Rafsanjani, have repeatedly called upon Muslims to kill Americans in Iraq and install a theocratic regime in Iraq.

(16) The Government of Iran has admitted pursuing a clandestine nuclear program, which the United States intelligence community believes may include a nuclear weapons program.

(17) The Government of Iran has failed to meet repeated pledges to arrest and extradite foreign terrorists in Iran.

(18) The United States Government believes that the Government of Iran supports terrorists and extremist religious leaders in Iraq with the clear intention of subverting coalition efforts to bring peace and democracy to Iraq.

(19) The Ministry of Defense of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

**SEC. 1272. DECLARATION OF CONGRESS REGARDING UNITED STATES POLICY TOWARD IRAN.**

Congress declares that it should be the policy of the United States—

(1) to support efforts by the people of Iran to exercise self-determination over the form of government of their country; and

(2) to actively support a national referendum in Iran with oversight by international observers and monitors to certify the integrity and fairness of the referendum.

**SEC. 1273. ASSISTANCE TO SUPPORT DEMOCRACY IN IRAN.**

(a) AUTHORIZATION.—The President is authorized, notwithstanding any other provision of law, to provide financial and political assistance (including the award of grants) to foreign and domestic individuals, organizations, and entities that support democracy and the promotion of democracy in Iran. Such assistance may include the award of grants to eligible independent pro-democracy radio and television broadcasting organizations that broadcast into Iran.

(b) SENSE OF CONGRESS ON ELIGIBILITY FOR ASSISTANCE.—It is the sense of Congress that financial and political assistance under this section be provided to an individual, organization, or entity that—

(1) opposes the use of terrorism;

(2) advocates the adherence by Iran to non-proliferation regimes for nuclear, chemical, and biological weapons and materiel;

(3) is dedicated to democratic values and supports the adoption of a democratic form of government in Iran;

(4) is dedicated to respect for human rights, including the fundamental equality of women;

(5) works to establish equality of opportunity for people; and

(6) supports freedom of the press, freedom of speech, freedom of association, and freedom of religion.

(c) FUNDING.—The President may provide assistance under this section using amounts made available pursuant to the authorization of appropriations under subsection (g).

(d) NOTIFICATION.—Not later than 15 days before each obligation of assistance under this section, and in accordance with the procedures under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(e) SENSE OF CONGRESS REGARDING COORDINATION OF POLICY AND APPOINTMENT.—It is the sense of Congress that in order to ensure maximum coordination among Federal agencies, if the President provides the assistance under this section, the President should appoint an individual who shall—

(1) serve as special assistant to the President on matters relating to Iran; and

(2) coordinate among the appropriate directors of the National Security Council on issues regarding such matters.

(f) SENSE OF CONGRESS REGARDING DIPLOMATIC ASSISTANCE.—It is the sense of Congress that—

(1) support for a transition to democracy in Iran should be expressed by United States representatives and officials in all appropriate international fora;

(2) representatives of the Government of Iran should be denied access to all United States Government buildings;

(3) efforts to bring a halt to the nuclear weapons program of Iran, including steps to end the supply of nuclear components or fuel to Iran, should be intensified, with particular attention focused on the cooperation regarding such program—

(A) between the Government of Iran and the Government of the Russian Federation; and

(B) between the Government of Iran and individuals from China, Malaysia, and Pakistan, including the network of Dr. Abdul Qadeer (A. Q.) Khan; and

(4) officials and representatives of the United States should—

(A) strongly and unequivocally support indigenous efforts in Iran calling for free, transparent, and democratic elections; and

(B) draw international attention to violations by the Government of Iran of human rights, freedom of religion, freedom of assembly, and freedom of the press.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of State \$100,000,000 to carry out activities under this section.

(2) OFFSET.—The amount authorized to be appropriated by section 1405(1) for the Army for operation and maintenance for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom is hereby decreased by \$100,000,000.

**SEC. 1274. REPORTING REQUIREMENT REGARDING DESIGNATION OF DEMOCRATIC OPPOSITION ORGANIZATIONS.**

Not later than 15 days before designating a democratic opposition organization as eligible to receive assistance under section 1272, the President shall notify the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives of the proposed designation. The notification may be in classified form.

**SA 4235.** Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 546, after line 22, add the following:

**SEC. 2828. REPORTS ON ARMY TRAINING RANGES.**

(a) LIMITATION.—The Secretary of the Army may not carry out any acquisition of real property to expand the Pinon Canyon Maneuver Site at Fort Carson, Colorado until—

(1) the Secretary has provided to the congressional defense committees the extent to which the acquisition could be carried out through transactions with willing sellers of the privately held land; and

(2) 30 days after the Secretary submits the report required under subsection (b).

(b) REPORT ON PINON CANYON MANEUVER SITE.—

(1) IN GENERAL.—Not later than November 30, 2006, the Secretary of the Army shall submit to the congressional defense committees a report containing an analysis of any potential expansion of the military training range at the Pinon Canyon Maneuver Site at Fort Carson, Colorado.

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

(A) A description of the Army's current and projected military requirements for training at the Pinon Canyon Maneuver Site.

(B) An analysis of the reasons for any changes in those requirements, including the extent to which they are a result of the increase of military personnel due to the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) A proposed plan for addressing those requirements, including a description of any proposed expansion of the existing training range by acquiring privately held land surrounding the site and an analysis of alternative approaches that do not require expansion of the training range.

(D) If an expansion of the training range is recommended pursuant to subparagraph (C), the following information:

(i) An assessment of the economic impact on local communities of such acquisition.

(ii) An assessment of the environmental impact of expanding the Pinon Canyon Maneuver Site.

(iii) An estimate of the costs associated with the potential expansion, including land acquisition, range improvements, installation of utilities, environmental restoration, and other environmental activities in connection with the acquisition.

(iv) An assessment of options for compensating local communities for the loss of property tax revenue as a result of the expansion of Pinon Canyon Maneuver Site.

(v) An assessment of whether the acquisition of additional land at the Pinon Canyon Maneuver Site can be carried out by the Secretary solely through transactions, including land exchanges and the lease or purchase of easements, with willing sellers of the privately held land.

(c) REPORT ON EXPANSION OF ARMY TRAINING RANGES.—

(1) IN GENERAL.—Not later than February 1, 2007, the Secretary of the Army shall submit to the congressional defense committees a report containing an assessment of the training ranges operated by the Army to support major Army units.

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

(A) The size, description, and mission essential training tasks supported by each such Army training range during fiscal year 2003.

(B) A description of the projected changes in training range requirements, including the size, characteristics, and attributes for mission essential training of each range and the extent to which any changes in requirements are a result of the 2005 round of defense base closure and realignment, the conversion of Army brigades to a modular format, or the Integrated Global Presence and Basing Strategy.

(C) The projected deficit or surplus of training land at each such range, and a description of the Army's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing training range.

(D) A description of the Army's prioritization process and investment strat-

egy to address the potential expansion or upgrade of training ranges.

(E) An analysis of alternatives to the expansion of Army ranges to include an assessment of the joint use of ranges operated by other services.

**SA 4236.** Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 453, strike line 1 though page 461, line 7, and insert the following:

**SEC. 1206. MODIFICATION OF AUTHORITIES RELATING TO THE BUILDING OF THE CAPACITY OF FOREIGN MILITARY FORCES.**

(a) AUTHORITY.—The President may direct the Secretary of State to work with the Secretary of Defense to provide assistance to help build the capacity of partner nations' military forces to disrupt or destroy terrorist networks, close safe havens, or participate in or support United States, coalition, or international military or stability operations.

(b) TYPES OF PARTNERSHIP SECURITY CAPACITY BUILDING.—The partnership security capacity building authorized under subsection (a) may include the provision of equipment, supplies, services, training, and funding.

(c) AVAILABILITY OF FUNDS.—

(1) TRANSFER OF FUNDS.—The Secretary of Defense may support partnership security capacity building as authorized under subsection (a) by transferring funds available to the Department of Defense to a partnership security building account of the Department of State for use as provided under paragraph (2). Any funds so transferred shall remain available until expended.

(2) USE OF FUNDS.—The funds transferred to the partnership security building account under paragraph (1) shall, subject to the approval of the Secretary of State, be made available for use by the Secretary of Defense to carry out activities to build partnership security capacity. The amount of funds made available for such purpose may not exceed \$400,000,000 in any fiscal year.

(d) APPROVAL AND NOTIFICATION REQUIREMENTS.—Not later than 10 days before approving the use by the Secretary of Defense of funds to carry out activities to build partnership security capacity under subsection (c)(2), the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives a notification of the countries chosen to be recipients and the specific type of assistance that will be provided, including the specific entity within the recipient country that will be provided the assistance and the type and duration of such assistance.

(e) APPLICABLE LAW.—The authorities and limitations in the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109-102) shall be applicable to assistance provided and funds transferred under the authority of this section.

(f) EXPIRATION.—The authority in this section shall expire on September 30, 2008.

(g) REPEAL OF SUPERSEDED AUTHORITY AND MODIFICATION OF EXISTING REPORTING REQUIREMENT.—Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456) is amended—

(1) in the heading, by striking “authority to build” and inserting “report on”;

(2) by striking subsections (a), (b), (c), (d), (e), and (g); and

(3) in subsection (f)—

(A) by striking “(f) REPORT.—”;

(B) by striking “the congressional committees specified in subsection (e)(3)” and inserting “the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives”;

(C) in paragraph (1), by striking “, including strengths and weaknesses for the purposes described in subsection (a)”;

(D) in paragraph (2), by striking “, including for the purposes described in subsection (a)”;

(E) in paragraph (3), by striking “, including for the purposes described in subsection (a)”.

**SA 4237.** Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

**SEC. 114. REPLACEMENT EQUIPMENT FOR THE ARMY NATIONAL GUARD.**

In allocating amounts authorized to be appropriated by section 101(5) for other procurement for the Army for the procurement of replacement equipment for the National Guard, the Secretary of Defense shall afford a priority in the allocation of such funds to the States likely to experience a hurricane during the 2007 hurricane season.

**SA 4238.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1209. MODIFICATION OF LIMITATIONS ON ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.**

Section 2013(13)(A) of the American Servicemembers' Protection Act of 2002 (title II of Public Law 107-206; 116 Stat. 909; 22 U.S.C. 7432(13)(A)) is amended by striking “or 5”.

**SA 4239.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**RESOLUTION**

Whereas the name “United Nations” was first coined by United States President Franklin D. Roosevelt, and used in the “Declaration by United Nations” of January 1, 1942;

Whereas, the United Nations is located in the prestigious Turtle Bay neighborhood of Manhattan overlooking the East River, on spacious grounds donated by John D. Rockefeller, Jr.;

Whereas, the United States has shared a unique relationship with the United Nations since its founding as being its home state and largest financial contributor;

Whereas, the United States finances 22 percent of the United Nations' budget and gives even more in voluntary contributions;

Whereas, recently the Deputy to the Secretary General of the United Nations, Mark Malloch Brown, made disparaging comments against the United States and our support of the United Nations by stating—

(1) that “the prevailing practice of seeking to use the U.N. almost by stealth as a diplomatic tool while failing to stand up for it against its domestic critics is simply not sustainable; you will lose the U.N. one way or another”;

(2) that “To acknowledge an America reliant on international institutions is not perceived to be good politics at home”;

(3) that “Exacerbating matters is the widely held perception, even among many U.S. allies, that the U.S. tends to hold on to maximalist positions when it could be finding middle ground”;

Whereas, the thrust of this speech was supported by Kofi Annan, Secretary General of the United Nations;

Whereas, such illegitimate accusations are both false and unconstructive for a diplomatic environment;

Whereas the genesis of any negative press regarding the United Nations is not the United States itself, but is openly publicized here due to the well protected freedom of speech and press;

Whereas the United States seeks management reform within the United Nations to strengthen the institution in order to provide for the mission of the United Nations, better international peacekeeping and disaster relief; Now, therefore, be it

*Resolved*, That the United States Senate does hereby declare that the bleating accusations made by Mark Malloch Brown and supported by Kofi Annan are not constructive for a better United Nations, and that comprehensive reform should be enacted to the organization.

**SA 4240.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

**SECTION—UNITED NATIONS FUNDING STUDY.**

The Office of Management and Budget shall submit to Congress within 90 days of

enactment and on an annual basis thereafter a report listing all contributions for the previous fiscal year from the U.S. federal government and all other sources to the United Nations and United Nations affiliated funds, organizations, programs, and other related bodies, including but not limited to employment of U.S. government and military personnel in support of the United Nations and United Nations affiliated funds, organizations, programs, and other related bodies or their operations, voluntary contributions, in-kind contributions, and any additional costs incurred through intelligence gathering and sharing, logistical support and transportation, and assessed contributions. The report shall provide the amount contributed, the nature of the contribution, the department of the U.S. government or other entity responsible for the contribution, the purpose of the contribution, and the United Nations fund, organization, program, or other related body receiving the contribution. Upon submission to Congress, the report shall be publicly available.

**SA 4241.** Mr. MCCAIN (for himself, Mr. FRIST, Mr. INHOFE, Mr. KENNEDY, Mr. ROBERTS, Mr. BYRD, Mr. SESSIONS, Mr. LIEBERMAN, Ms. COLLINS, Mr. REED, Mr. ENSIGN, Mr. AKAKA, Mr. TALENT, Mr. NELSON of Florida, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Mr. GRAHAM, Mr. DAYTON, Mrs. DOLE, Mr. BAYH, Mr. CORNYN, Mrs. CLINTON, Mr. THUNE, Mr. ALLARD, and Mr. ALLEN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 2, strike lines 1 through 3, and insert the following:

**SECTION 1. SHORT TITLE; FINDINGS.**

(a) **SHORT TITLE.**—This Act may be cited as the “John Warner National Defense Authorization Act for Fiscal Year 2007”.

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

(1) Senator John Warner of Virginia was elected a member of the United States Senate on November 7, 1978, for a full term beginning on January 3, 1979. He was subsequently appointed by the Governor of Virginia to fill a vacancy on January 2, 1979, and has served continuously since that date. He was appointed a member of the Committee on Armed Services in January 1979, and has served continuously on the Committee since that date, a period of nearly 28 years. Senator Warner's service on the Committee represents nearly half of its existence since it was established after World War II.

(2) Senator Warner came to the Senate and the Committee on Armed Services after a distinguished record of service to the Nation, including combat service in the Armed Forces and high civilian office.

(3) Senator Warner enlisted in the United States Navy upon graduation from high school in 1945, and served until the summer of 1946, when he was discharged as a Petty Officer 3rd Class. He then attended Washington and Lee University on the G.I. Bill. He graduated in 1949 and entered the University of Virginia Law School.

(4) Upon the outbreak of the Korean War in 1950, Senator Warner volunteered for active duty, interrupting his education to accept a commission in the United States Marine Corps. He served in combat in Korea as a

ground officer in the First Marine Air Wing. Following his active service, he remained in the Marine Corps Reserve for several years, attaining the rank of captain.

(5) Senator Warner resumed his legal education upon returning from the Korean War and graduated from the University of Virginia Law School in 1953. He was selected by the late Chief Judge E. Barrett Prettyman of the United States Court of Appeals for the District of Columbia Circuit as his law clerk. After his service to Judge Prettyman, Senator Warner became an Assistant United States Attorney in the District of Columbia, and later entered private law practice.

(6) In 1969, the Senate gave its advice and consent to the appointment of Senator Warner as Under Secretary of the Navy. He served in this position until 1972, when he was confirmed and appointed as the 61st Secretary of the Navy since the office was established in 1798. As Secretary, Senator Warner was the principal United States negotiator and signatory of the Incidents at Sea Executive Agreement with the Soviet Union, which was signed in 1972 and remains in effect today. It has served as the model for similar agreements between states covering the operation of naval ships and aircraft in international sea lanes throughout the world.

(7) Senator Warner left the Department of the Navy in 1974. His next public service was as Director of the American Revolution Bicentennial Commission. In this capacity, he coordinated the celebration of the Nation's founding, directing the Federal role in all 50 States and in over 20 foreign nations.

(8) Senator Warner has served as chairman of the Committee on Armed Services of the United States Senate from 1999 to 2001, and again since January 2003. He served as ranking minority member of the committee from 1987 to 1993, and again from 2001 to 2003. Senator Warner concludes his service as chairman at the end of the 109th Congress, but will remain a member of the committee.

(9) This Act is the twenty-eighth annual authorization act for the Department of Defense for which Senator Warner has taken a major responsibility as a member of the Committee on Armed Services of the United States Senate, and the fourteenth for which he has exercised a leadership role as chairman or ranking minority member of the committee.

(10) Senator Warner, as seaman, Marine officer, Under Secretary and Secretary of the Navy, and member, ranking minority member, and chairman of the Committee on Armed Services, has made unique and lasting contributions to the national security of the United States.

(11) It is altogether fitting and proper that his Act, the last annual authorization Act for the national defense that Senator Warner manages in and for the United States Senate as chairman of the Committee on Armed Services, be named in his honor, as provided in subsection (a).

**SA 4242.** Mr. MCCAIN (for himself, Mr. WARNER, Mr. LEVIN, Mr. GRAHAM, Mr. BYRD, Mr. GREGG, Mr. HAGEL, Mr. CHAMBLISS, Ms. COLLINS, Mr. COBURN, Mr. CONRAD, Mr. REID, Mr. STEVENS, Ms. SNOWE, Mr. ENSIGN, Mr. LIEBERMAN, Mr. OBAMA, Mr. INOUE, Mr. AKAKA, Mr. SALAZAR, Mr. DOOD, and Mr. BURNS) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel

strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

**SEC. . BUDGETING FOR ONGOING MILITARY OPERATIONS.**

The President's budget submitted pursuant to section 1105(a) of title 31, United States Code, for each fiscal year after fiscal year 2007 shall include—

(1) a request for funds for such fiscal year for ongoing military operations in Afghanistan and Iraq;

(2) an estimate of all funds expected to be required in that fiscal year for such operations; and

(3) a detailed justification of the funds requested.

**SA 4243.** Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 707. ENHANCEMENT OF COLORECTAL CANCER SCREENING FOR TRICARE BENEFICIARIES OVER AGE 50.**

(a) IN GENERAL.—Subsection (a) of section 1074d of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Members and former members of the uniformed services described in paragraph (1) or (2) who are 50 years of age or older shall also be entitled to the colorectal cancer screening tests described in section 1861(pp)(1) of the Social Security Act (42 U.S.C. 1935x(pp)(1)) with such frequency as tests for which payment would be authorized under section 1834(d) of that Act (42 U.S.C. 1935m(d)) without regard to whether such members or former members are at high risk for colorectal cancer (as described in section 1861(pp)(2) of that Act) or have otherwise previously exhibited any symptom of or associated with colorectal cancer.”

(b) CONFORMING AMENDMENT.—Subsection (b)(8) of such section is amended by striking “subsection (a)(2)” and inserting “paragraphs (2) and (3) of subsection (a)”.

**SA 4244.** Mr. BIDEN (for himself, Mr. BINGAMAN, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 730. MILITARY VACCINATION MATTERS.**

(a) ADDITIONAL ELEMENT FOR COMPTROLLER GENERAL STUDY AND REPORT ON VACCINE HEALTHCARE CENTERS.—Section 736(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3356) is amended by adding at the end the following new paragraph:

“(10) The feasibility and advisability of transferring direct responsibility for the Centers from the Army Medical Command to the Under Secretary of Defense for Personnel and Readiness and the Assistant Secretary of Defense for Force Protection and Readiness.”

(b) RESPONSE TO MEDICAL NEEDS ARISING FROM MANDATORY MILITARY VACCINATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall maintain a joint military medical center of excellence focusing on the medical needs arising from mandatory military vaccinations.

(2) ELEMENTS.—The joint military medical center of excellence under paragraph (1) shall consist of the following:

(A) The Vaccine Healthcare Centers of the Department of Defense, which shall be the principal elements of the center.

(B) Any other elements that the Secretary considers appropriate.

(3) AUTHORIZED ACTIVITIES.—In acting as the principal elements of the joint military medical center under paragraph (1), the Vaccine Healthcare Centers referred to in paragraph (2)(A) may carry out the following:

(A) Medical assistance and care to individuals receiving mandatory military vaccines and their dependents, including long-term case management for adverse events where necessary.

(B) Evaluations to identify and treat potential and actual health effects from vaccines before and after their use in the field.

(C) The development and sustainment of a long-term vaccine safety and efficacy registry.

(D) Support for an expert clinical advisory board for case reviews related to disability assessment questions.

(E) Long-term and short-term studies to identify unanticipated benefits and adverse events from vaccines.

(F) Educational outreach for immunization providers and those required to receive immunizations.

(G) The development, dissemination, and validation of educational materials for Department of Defense healthcare workers relating to vaccine safety, efficacy, and acceptability.

(c) LIMITATION ON RESTRUCTURING OF VACCINE HEALTHCARE CENTERS.—

(1) LIMITATION.—The Secretary of Defense may not downsize or otherwise restructure the Vaccine Healthcare Centers of the Department of Defense until the Secretary submits to Congress a report setting forth a plan for meeting the immunization needs of the Armed Forces during the 10-year period beginning on the date of the submittal of the report.

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

(A) An assessment of the potential biological threats to members of the Armed Forces that are addressable by vaccine.

(B) An assessment of the distance and time required to travel to a Vaccine Healthcare Center by members of the Armed Forces who have severe reactions to a mandatory military vaccine.

(C) An identification of the most effective mechanisms for ensuring the provision services by the Vaccine Healthcare Centers to both military medical professionals and members of the Armed Forces.

(D) An assessment of current military and civilian expertise with respect to mass adult immunization programs, including case management under such programs for rare adverse reactions to immunizations.

(E) An organizational structure for each military department to ensure support of the Vaccine Healthcare Centers in the provision of services to members of the Armed Forces.

**SA 4245.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ . EXPANSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.**

(a) IN GENERAL.—The Secretaries of the military departments shall take appropriate actions to increase the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized under chapter 102 of title 10, United States Code.

(b) EXPANSION TARGETS.—In increasing under subsection (a) the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized, the Secretaries of the military departments shall seek to organize units at an additional number of institutions as follows:

(1) In the case of Army units, 15 institutions.

(2) In the case of Navy units, 10 institutions.

(3) In the case of Marine Corps units, 15 institutions.

(4) In the case of Air Force units, 10 institutions.

(c) FUNDING.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide, is hereby increased by \$7,000,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide, as increased by paragraph (1), \$7,000,000 may be available for activities under this section.

**SA 4246.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, 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. 1044. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.**

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the Southern land border of the United States the activities authorized in subsection (b) for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section

502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are the following:

(1) Ground surveillance activities.

(2) Airborne surveillance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Provision of administrative support services.

(6) Provision of technical training services.

(7) Provision of emergency medical assistance and services.

(8) Provision of communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under this section shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) DEFINITIONS.—In this section:

(1) 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.

(2) The term "State" means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) The term "State along the southern land border of the United States" means each of the following:

- (A) The State of Arizona.
- (B) The State of California.
- (C) The State of New Mexico.
- (D) The State of Texas.

**SA 4247.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1066. REPORT ON TECHNOLOGIES FOR NEUTRALIZING OR DEFEATING THREATS TO MILITARY ROTARY WING AIRCRAFT FROM PORTABLE AIR DEFENSE SYSTEMS AND ROCKET PROPELLED GRENADES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on technologies for neutralizing or defeating threats to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades that are being researched, developed, employed, or considered by the United States Government or the North Atlantic Treaty Organization.

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

(1) an assessment of the expected value and utility of the technologies, particularly with respect to—

(A) the saving of lives;

(B) the ability to reduce the vulnerability of aircraft; and

(C) the enhancement of the ability of aircraft and their crews to accomplish assigned missions;

(2) an assessment of the potential costs of developing and deploying such technologies;

(3) a description of efforts undertaken to develop such technologies, including—

(A) non-lethal counter measures;

(B) lasers and other systems designed to dazzle, impede, or obscure threatening weapon or their users;

(C) direct fire response systems;

(D) directed energy weapons; and

(E) passive and active systems; and

(4) a description of any impediments to the development of such technologies, such as legal restrictions under the law of war, treaty restrictions under the Protocol on Blinding Lasers, and political obstacles such as the reluctance of other allied countries to pursue such technologies.

**SA 4248.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . DEFINITION OF MEMBER OF THE SPECIAL EXPOSURE COHORT.**

Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384(14)) is amended by adding at the end the following:

"(D) The employee—

"(i) was so employed by the Department of Energy, or a contractor or subcontractor of that Department, before 1986 on—

"(I) Enwetak Atoll;

"(II) Bikini Atoll;

"(III) Rongelap Atoll; or

"(IV) Utrik Atoll;

"(ii) was exposed to ionizing radiation in the performance of a duty of the employee; and

"(iii) during the time the employee was so employed, was a citizen of the Trust Territory of the Pacific Islands."

**SA 4249.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an

amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 215. ENVIRONMENTAL IMPACT STATEMENT ON WHITE SANDS MISSILE RANGE, NEW MEXICO.**

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by \$5,000,000.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), \$5,000,000 may be available for the development of a range-wide environmental impact statement with respect to White Sands Missile Range, New Mexico.

(2) CONSTRUCTION WITH OTHER AMOUNTS.—The amount available under paragraph (1) for the purpose set forth in that paragraph is in addition to any amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for Army is hereby reduced by \$5,000,000.

**SA 4250.** Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 215. WATER TREATMENT TECHNOLOGIES.**

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by \$4,000,000.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), \$4,000,000 may be available for research and development on water treatment technologies that will reduce the cost of producing safe drinking water through desalination, contaminant removal, water reuse, and other mechanisms.

(2) CONSTRUCTION WITH OTHER AMOUNTS.—The amount available under paragraph (1) for the purpose set forth in that paragraph is in addition to any amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for Navy is hereby reduced by \$4,000,000.

**SA 4251.** Mr. DOMENICI submitted an amendment intended to be proposed by

him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 573, after line 20, add the following:

**SEC. 3121. DECONTAMINATION AND DECOMMISSIONING OF PROCESS-CONTAMINATED FACILITIES.**

(a) IN GENERAL.—The Secretary of Energy is authorized to undertake immediate decontamination and decommissioning of process-contaminated facilities located at National Nuclear Security Administration facilities. The Secretary shall allocate not less than \$75,000,000 for such activities out of the amount made available under section 3102 for fiscal year 2007 for defense environmental cleanup activities.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report identifying all excess process-contaminated National Nuclear Security Administration facilities and a plan, including a strategy and budgetary requirements, for decontaminating such facilities.

**SA 4252.** Mr. REID (for himself, Mr. LEAHY, Mr. SPECTER, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X of division A, insert the following:

**SEC. 1084. COURT SECURITY IMPROVEMENTS.**

(a) JUDICIAL BRANCH SECURITY REQUIREMENTS.—

(1) ENSURING CONSULTATION AND COORDINATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

“(i) The Director of the United States Marshals Service shall consult and coordinate with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government.”

(2) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

“The Judicial Conference shall consult and coordinate with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government.”

(b) PROTECTION OF FAMILY MEMBERS.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting “or a family member of that individual” after “that individual”; and

(2) in subparagraph (B)(i), by inserting “or a family member of that individual” after “the report”.

(c) EXTENSION OF SUNSET PROVISION.—Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking “2005” each place that term appears and inserting “2009”.

(d) PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.—

(1) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

**“SEC. 1521. RETALIATING AGAINST A FEDERAL JUDGE OR FEDERAL LAW ENFORCEMENT OFFICER BY FALSE CLAIM OR SLANDER OF TITLE.**

“(a) Whoever files or attempts to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of a Federal judge or a Federal law enforcement official, on account of the performance of official duties by that Federal judge or Federal law enforcement official, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.

“(b) As used in this section—

“(1) the term ‘Federal judge’ means a justice or judge of the United States as defined in section 451 of title 28, United States Code, a judge of the United States Court of Federal Claims, a United States bankruptcy judge, a United States magistrate judge, and a judge of the United States Court of Appeals for the Armed Forces, United States Court of Appeals for Veterans Claims, United States Tax Court, District Court of Guam, District Court of the Northern Mariana Islands, or District Court of the Virgin Islands; and

“(2) the term ‘Federal law enforcement officer’ has the meaning given that term in section 115 of this title and includes an attorney who is an officer or employee of the United States in the executive branch of the Government.”

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

“1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.”

(e) PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.—

(1) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

**“SEC. 118. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.**

“(a) Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available, with the intent that such restricted personal information be used to kill, kidnap, or inflict bodily harm upon, or to threaten to kill, kidnap, or inflict bodily harm upon, that covered official, or a member of the immediate family of that covered official, shall be fined under this title and imprisoned not more than 5 years, or both.

“(b) As used in this section—

“(1) the term ‘restricted personal information’ means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

“(2) the term ‘covered official’ means—

“(A) an individual designated in section 1114;

“(B) a Federal judge or Federal law enforcement officer as those terms are defined in section 1521; or

“(C) a grand or petit juror, witness, or other officer in or of, any court of the United

States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate; and

“(3) the term ‘immediate family’ has the same meaning given that term in section 115(c)(2).”

(2) CLERICAL AMENDMENT.—The chapter analysis for chapter 7 of title 18, United States Code, is amended by adding at the end the following:

“Sec. 117. Domestic assault by an habitual offender.

“Sec. 118. Protection of individuals performing certain official duties.”

(f) PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.—Section 930(e)(1) of title 18, United States Code, is amended by inserting “or other dangerous weapon” after “firearm”.

(g) CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.—Section 1513 of title 18, United States Code, is amended by adding at the end the following:

“(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.”

(h) WITNESS PROTECTION GRANT PROGRAM.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new part:

**“PART JJ—WITNESS PROTECTION GRANTS**

**“SEC. 3001. PROGRAM AUTHORIZED.**

“(a) IN GENERAL.—From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

“(b) USES OF FUNDS.—Grants awarded under this part shall be—

“(1) distributed directly to the State, unit of local government, or Indian tribe; and

“(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

“(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this part, the Attorney General may give preferential consideration, if feasible, to an application from a jurisdiction that—

“(1) has the greatest need for witness and victim protection programs;

“(2) has a serious violent crime problem in the jurisdiction; and

“(3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2006 through 2010.”

(i) GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.—

(1) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.”

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control

and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

**“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated \$20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.”

(j) ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.—

(1) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(A) in subsection (a)—

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

(ii) in paragraph (3), by striking the period and inserting “; and”; and

(iii) by adding at the end the following:

“(4) grants to State courts to improve security for State and local court systems.”; and

(B) in subsection (b), by inserting after the period the following:

“Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.”

(2) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended by—

(A) striking “80” and inserting “70”; and

(B) striking “and 10” and inserting “10”; and

(C) inserting before the period the following: “, and 10 percent for section 515(a)(4).”

(k) UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.—Section 7253(e) of title 38, United States Code, is amended by striking “district courts” and inserting “Courts of Appeals”.

(l) BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.—

(1) BANKRUPTCY JUDGES.—Section 153 of title 28, United States Code, is amended by adding at the end the following:

“(e) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a bankruptcy judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.”

(2) UNITED STATES MAGISTRATE JUDGES.—Section 634(c) of title 28, United States Code, is amended—

(A) by inserting “(1)” after “(c)”; and

(B) by adding at the end the following:

“(2) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a magistrate judge of the United States in regular active service or who is retired under section 377 of this title shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.”

(3) TERRITORIAL JUDGES.—

(A) GUAM.—Section 24 of the Organic Act of Guam (48 U.S.C. 1424b) is amended by adding at the end the following:

“(c) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.”

(B) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821) is amended by adding at the end the following:

“(5) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.”

(C) VIRGIN ISLANDS.—Section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)) is amended—

(i) by inserting “(1)” after “(a)”; and

(ii) by adding at the end the following:

“(2) For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, a judge appointed under this section who is in regular active service or who is retired under section 373 of title 28, United States Code, shall be deemed to be a judge of the United States described under section 8701(a)(5) of title 5.”

(m) HEALTH INSURANCE FOR SURVIVING FAMILY AND SPOUSES OF JUDGES.—Section 8901(3) of title 5, United States Code, is amended—

(1) in subparagraph (C), by striking “; and” and inserting a semicolon;

(2) in subparagraph (D), by adding “and” after the semicolon; and

(3) by adding at the end the following:

“(E) a member of a family who is a survivor of—

“(i) a Justice or judge of the United States, as defined under section 451 of title 28, United States Code;

“(ii) a judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands;

“(iii) a judge of the United States Court of Federal Claims; or

“(iv) a United States bankruptcy judge or a full-time United States magistrate judge.”

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 14, 2006, at 10 a.m., to mark up S. 418 “Military Personnel Financial Services Protection Act,” as amended by the committee print; S. 811 “Abraham Lincoln Commemorative Coin Act,” and to vote on the nominations of Ms. Sheila C. Bair, of Kansas, to be a member and chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; Ms. Kathleen L. Casey, of Virginia, to be a member of the Securities and Exchange Commission; Mr. Robert M. Couch, of Alabama, to be President of the Government National Mortgage Association; Mr. Donald L. Kohn, of Virginia, to be vice chairman of the Board of Governors of the Federal Reserve System; and Mr. James B. Lockhart III, of Connecticut, to be the Director of the Office of Federal Housing Enterprise Oversight. Immediately following the mark up, the committee will meet in open session to conduct a hearing on “FASB’s Proposed Standard on ‘Employers’ Accounting for Defined Benefit Pension and Other Postretirement Plans.’”