

now saying that the Appropriations Committee has voluntarily said, even before the conference committee that we are going to live by these standards.

I will not quibble with the Senator from Oklahoma because he and I see this quite differently. But authorizing a project does not mean it has money. That is why we have authorizing committees and appropriating committees. I can authorize the Sun, the Moon, the stars, and the Milky Way, but I will not deliver any of those to anybody until I get to an appropriations bill.

Mr. COBURN. Will the Senator yield for a question?

Mr. DURBIN. When I am finished, I will. All of the authorization in the world notwithstanding, unless you appropriate the money from the Treasury for the project, it is just a good idea that might happen.

Mr. COBURN. Will the Senator yield?

Mr. DURBIN. I said I will. Allow me to finish my sentence. What I am suggesting is, other committees may take this up as well on an interim basis. But the bills that are going to move on the floor of the Senate are the appropriations bills. Now that the budget resolution is passed, our major obligation is to achieve something we haven't done for years. We want to try to pass the appropriations bills on time. That means that the time of the Senators from Oklahoma and South Carolina and all of us will be consumed with appropriations bills, and the rules we will play by on earmarks for those bills which will be front and center, our major business, will be the same rule that you voted for, the vote that the Senator from Oklahoma cast on this floor for earmark reform. So I say to the Senator from Oklahoma, he can be prepared as these bills come to the floor to see the very approach he has suggested be followed voluntarily. In the meantime we have the assurance of the House that this matter is going to conference committee.

Suggesting that we have abandoned our commitment to reform or calling it a flimsy excuse overstates the Senator's position.

I object.

Mr. COBURN. Will the Senator yield for a question?

The PRESIDENT pro tempore. Senators will please address other Senators through the Chair and refer to other Senators in the third person, not in the first person.

Mr. DURBIN. Mr. President, I object to the unanimous consent request.

The PRESIDENT pro tempore. The Senator from Illinois objects.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will re-

sume consideration of S. 372, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 372) to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Pending:

Rockefeller/Bond amendment No. 843, in the nature of a substitute.

Collins amendment No. 847 (to amendment No. 843), to reaffirm the constitutional and statutory protections accorded sealed domestic mail.

The PRESIDING OFFICER (Mr. CASEY). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the Republican manager, Senator BOND, and I and our staffs have been working together to clear some amendments, and we have in fact cleared already 10 amendments. I now ask unanimous consent that it be in order for the Senate to consider en bloc the following amendments, that they be agreed to en bloc, and that the motions to reconsider be laid upon the table en bloc. These were agreed to by both sides and have been cleared by all parties. The numbers of the amendments are 845, 846, 856, 858, 859, 860, 861, 862, 863, and 872.

The PRESIDING OFFICER. Is there objection to the several requests?

Mr. COBURN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. BOND. Mr. President, it is very important that we move forward with this bill. We have given time for our colleagues to debate and raise other questions. We would ask that we be able to proceed in a reasonable timeframe to take up amendments which have been introduced by the chairman and the vice chairman together and reflect bipartisan agreement. As vice chairman, I am firmly committed to passage of intelligence reauthorization. I would say further it remains my intention to reduce the partisanship and politicization of intelligence matters.

Events on the Senate floor yesterday, including direct personal attacks on me, indicate this remains a tall order. This bill makes getting a bill harder, and it is already hard enough. Given the kitchen sink provided in the administration's Statement of Administration Policy indicating a possible veto, the chairman and I are trying in good faith, as the chairman indicated, to work through 9, 10, or a dozen amendments to correct the major objections that the administration has.

The administration must know that as we try to weigh their key priorities, they must respect our priorities and our fundamental oversight responsibility which I and the Members of this body should take seriously, as any Senator will.

As for yesterday's events, Senator MCCONNELL manages the floor for the

minority. He did not want to end the debate prematurely and the opportunity to offer amendments by the minority, especially with 18 Members absent from the Senate due to bad weather. I supported him because it is the responsibility of our two leaders to manage the floor debate and to protect the rights of minorities and absent Senators. While the attacks on me were inappropriate and offensive, I will continue to work for passage of this intelligence reform measure, which is one of the most important bills we can pass in this session. The measure is too important to be derailed by personal and political attacks.

My friends on the other side of the aisle want more oversight of intelligence. I agree. We got into problems prior to 9/11 because we didn't have good oversight. We have found that there are holes that need to be plugged in oversight. We need to move forward. But forcing an end to the debate with 18 Members absent was not the way to do so. I am hoping that we can show progress by adopting amendments and moving this bill forward to exercise our oversight to provide the intelligence community the direction they need. Our desire is to move forward in the regular order, work our way through amendments, work out a time agreement, dispose of amendments, and hopefully conclude with a bill that most, if not the overwhelming majority, of Members can support so we can get to conference and continue the process.

I will continue to work with the chairman under the difficult circumstances that he and I both face. I am not for delay or any effort, real or imagined, to kill this bill, but I have honest concerns, as others, that there should be an opportunity to address through the regular order in a reasonable timeframe. If there are unreasonable delays, then we will pursue other options which are necessary sometimes to move a bill.

Because of the difficult division present in recent years over these issues, we have been unable to get an authorization bill passed. I find that unacceptable, and I am committed to finding a bill, but it can't be just any bill. It must be the product of give and take and mutual respect and compromise between both parties and both bodies and one the administration can sign.

Mr. ROCKEFELLER. Will the vice chairman yield?

Mr. BOND. Yes.

Mr. ROCKEFELLER. Mr. President, the Senator from Oklahoma has indicated to me that he will not object to the managers' amendment going forward, if he would be allowed to finish what he was talking about, which I assume would happen within the next 5 or 8 minutes. If that is the case, then we will have made progress.

Mr. BOND. Mr. President, I didn't mean to cut the Senator off. For the movement of this bill, we had hoped to

be able to clear some amendments so we could show progress, but the Senator from Oklahoma is seeking recognition. I am sure he has some important things to say. I hope we will finish in time to allow us to pass the cleared amendments prior to 12:30. I apologize to the Senator from Oklahoma and thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent to speak as in morning business for the next 10 minutes.

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

#### EARMARKS

Mr. COBURN. Mr. President, it is very important we not leave the debate on earmarks. What we saw was an issue about the integrity of Congress which Senator DEMINT and myself have been championing. There are only 4 Members of the Senate who don't offer earmarks, 4 out of 100 who don't play the game of earmarks. It is important that the American people know that if we are going to have earmarks, it ought to be clearly identified. We ought to know who is benefiting, who is getting the money, who is sponsoring the money, and what the outcome will be. It is great that the Appropriations Committee has just stated that they are going to voluntarily accede to the rules we passed 98 to 0, except there is one small problem with that; the fact is, there is no enforcement of the rules available to Senators when they violate that very point, which means they may follow that, but if, in fact, they do not, we have no course of action with which to raise a point of order when they do not.

I wish to go back to something the esteemed Senator from Illinois said, which is, we have gotten what we want. No, we have not. We have not gotten it until the American people get the transparency they need about how the Congress operates. If you eliminate earmarks in appropriations but do not eliminate earmarks in authorizations, what is authorized as an earmark will come to the appropriation as not an earmark because it is then authorized, so we will play the same game but one step further back.

I am disappointed at the leadership, that they would block what the American people so fully want. And the idea we have to conference what should be a Senate rule, when the House has already passed a rule—they operate under the very same thing Senator DEMINT has asked for—all we have to do is agree we will, in fact, abide by those rules by accepting that as a rule of the Senate. Anything less than that is political Washington doublespeak which the American people are tired of.

There should not be one earmark, one special favor, one indication of anything done at any level—authorization or appropriations—the American people are not fully aware of as to who has the vetted interest and who will be the benefactor and what the motiva-

tions might be in association with that.

So the fact the majority objects to incorporating what we obviously, supposedly, all agreed to—or was it the fact that people voted for it because the people wanted us to and now we will not carry it out? What it does, by not adopting this rule, Senator DEMINT's rule, is we undermine again the integrity of this body.

The American people deserve transparency. The American people should have transparency. The only way we can truly be held accountable by the American people is if they can see everything that is going on.

To deny this rule, to deny the fact we are going to operate in the open, to deny the fact we are going to be held accountable is exactly what the American people are sick of.

I remind my colleagues we do not have a higher favorability rating than the President at this time, whom we are so quick to impugn, and the reason we do not is the very reason we saw in the objection placed on this rule, this resolution. To me, it is a sad day in the Senate because we are playing games again with the American people. I said, after we passed the ethics bill, it will be a long time until we see anything. It will be a long time. It has already been a long time. Why hasn't it been conferred? There have been 80 days to conference an ethics bill. There has not been the first step. There has not been the naming of conferees. There has not been the first step to move forward toward that.

The American people should surmise—and correctly—the Congress still wants to work in the shadows, they still do not want to have transparency; therefore, they still do not want to be held accountable by the American people.

I thank you for the time and yield back, and I will offer no objection to the request of the Senator from West Virginia to accept amendments on the Intelligence authorization bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, I ask unanimous consent to set aside the pending amendment so I may call up amendments Nos. 848, 849, 850, 851, 852, and 853, en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. Mr. President, as I indicated before, the distinguished Republican manager, Senator BOND, and I and our staffs have been working together to clear some amendments.

We have cleared 10. I now ask unanimous consent that it be in order for the Senate to consider en bloc the following amendments, that they be agreed to en bloc, and the motions to reconsider be laid upon the table, en bloc. The amendment numbers are 845, 846, 856, 858, 859, 860, 861, 862, 863, and 872.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. Would the Senator yield?

Mr. CORNYN. Mr. President, I believe the Senator from West Virginia has the floor. I don't.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. The Senator from West Virginia would be interested as to why it is the distinguished Senator from Texas objects.

Mr. CORNYN. Mr. President, let me suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 849 TO AMENDMENT NO. 843

(Purpose: To amend chapter 113B of title 18, United States Code, to prohibit the recruitment of persons to participate in terrorism, to provide remedies for immigration litigation, and to amend the Immigration and Nationality Act to modify the requirements related to judicial review of visa revocation and to modify the requirements related to detention and removal of aliens ordered removed)

Mr. CORNYN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up Amendment No. 849.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 849 to amendment No. 843.

(The amendment is printed in the RECORD of Monday, April 16, 2007, under "Text of Amendments.")

Mr. CORNYN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENTS NOS. 846, AS MODIFIED; 856, 858, 859, 860, AS MODIFIED; 861, AS MODIFIED; 862, 863, AND 872, AS MODIFIED, EN BLOC, TO AMENDMENT NO. 843

Mr. ROCKEFELLER. Mr. President, I resume my request which I will make in full, and that is that the Republican

manager, Senator BOND, and this Senator from West Virginia and our staffs have been working together to clear some amendments. We have cleared 10 amendments—9 amendments. I ask unanimous consent that it be in order for the Senate to consider en bloc the following amendments, that they be agreed to en bloc, and the motions to reconsider be laid upon the table en bloc. Those amendment numbers are 846, 856, 858, 859, 860, 861, 862, 863, and 872.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

#### AMENDMENT NO. 846, AS MODIFIED

On page 37, between lines 19 and 20, insert the following:

“(7) develop 15-year projections and assessments of the needs of the intelligence community to ensure a robust federal scientific and engineering workforce and the means to recruit such a workforce through integrated scholarships across the intelligence community, including research grants and cooperative work-study programs;

#### AMENDMENT NO. 856

(Purpose: To strike the requirement for a study on the disclosure of additional intelligence information)

Beginning on page 11, strike line 18 and all that follows through page 12, line 20.

#### AMENDMENT NO. 858

(Purpose: To improve the notification of Congress regarding intelligence activities of the United States Government)

Strike section 304 and insert the following:

#### SEC. 304. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) CLARIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES.—TO INCLUDE ALL MEMBERS OF COMMITTEES.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting “, and includes each member of the Select Committee” before the semicolon; and

(2) in subparagraph (B), by inserting “, and includes each member of the Permanent Select Committee” before the period.

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees, and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and a description that provides the main features of the intelligence activities covered by such determination, and contain no restriction on access to this notice by all members of the committee.

“(2) Nothing in this subsection shall be construed as authorizing less than full and

current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.”

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking “subsection (b)” and inserting “subsections (b) and (c)”.

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting “(1)” after “(b)”;

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

“(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

“(A) A concise statement of any facts pertinent to such report.

“(B) An explanation of the significance of the covert action covered by such report.”

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

“(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b) in full or to all the members of the congressional intelligence committees, and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and a description that provides the main features of the covert action covered by such determination, and contain no restriction on access to this notice by all members of the committee.”

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking “significant” the first place it appears.

#### AMENDMENT NO. 859

(Purpose: To strike the pilot program on disclosure of records under the Privacy Act relating to certain intelligence activities)

Strike section 310.

#### AMENDMENT NO. 860, AS MODIFIED

Beginning on page 29, strike line 24 and all that follows through page 31, line 15, and insert the following:

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on any clandestine prison or detention facility currently or formerly operated by the United States Government for individuals captured in the global war on terrorism.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The date each prison or facility became operational, and if applicable, the date on which each prison or facility ceased its operations.

(B) The total number of prisoners or detainees held at each prison or facility during its operation.

(C) The current number of prisoners or detainees held at each operational prison or facility.

(D) The total and average annual costs of each prison or facility during its operation.

(E) A description of the interrogation procedures used or formerly used on detainees at each prison or facility, including whether a determination has been made that such procedures are or were in compliance with the United States obligations under the Geneva Conventions and the Convention Against Torture.

#### AMENDMENT NO. 861, AS MODIFIED

Beginning on page 96, strike line 24 and all that follows through page 97, line 6, and insert the following:

“(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open source information into the National System for Geospatial-Intelligence.

#### AMENDMENT NO. 862

(Purpose: To change the name of the National Space Intelligence Center to the National Space Intelligence Office)

Strike section 410 and insert the following:

#### SEC. 410. NATIONAL SPACE INTELLIGENCE OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:

#### “NATIONAL SPACE INTELLIGENCE OFFICE

“SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Office.

“(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE OFFICE.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Office.

“(c) MISSIONS.—The National Space Intelligence Office shall have the following missions:

“(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

“(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

“(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

“(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

“(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Office has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Office to carry out the missions of the Office under subsection (c).

“(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Office.”.

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

“Sec. 119C. National Space Intelligence Office.”.

(b) REPORT ON ORGANIZATION OF OFFICE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Office shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Office established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Office.

(B) An identification of key participants in the Office.

(C) A strategic plan for the Office during the five-year period beginning on the date of the report.

#### AMENDMENT NO. 86

(Purpose: To modify the requirements related to the Director and Deputy Director of the Central Intelligence Agency)

Strike section 421 and insert the following:

#### SEC. 421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), (h), and (i) respectively; and

(2) by inserting after subsection (a) the following new subsections (b) and (c):

“(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

“(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.

“(c) MILITARY STATUS OF DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) Not more than one of the individuals serving in the positions specified in subsection (a) and (b) may be a commissioned officer of the Armed Forces in active status. “(2) A commissioned officer of the Armed Forces who is serving as the Director or Deputy Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Director or Deputy Director of the Central Intelligence Agency shall not, while continuing in such service, or in the administrative performance of such duties—

“(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

“(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

“(3) Except as provided in subparagraph (A) or (B) of paragraph (2), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

“(4) A commissioned officer described in paragraph (2), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (e) of such section, as redesignated by subsection (a)(1) of this section, is further amended by striking “subsection (d)” and inserting “subsection (f)”.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

“Deputy Director of the Central Intelligence Agency.”.

(d) ROLE OF DNI IN APPOINTMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403-6(b)(2)) is amended by adding at the end the following new subparagraph:

“(J) The Deputy Director of the Central Intelligence Agency.”.

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

#### AMENDMENT NO. 872, AS MODIFIED

On page 28, line 19, strike “legal opinions” and insert “legal justifications”.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROCKEFELLER. Mr. President, I also ask unanimous consent that it be in order for any of the cleared amendments to be modified to comport to the substitute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank the Chairman. We are moving forward now

on the bill. As indicated, we have some drafting problems we are working out, but we also have high hopes of being able to adopt a number of the amendments that have been filed on both sides. Some of them may require modification.

Mr. President, as we get ready to go to our policy lunches, I once again ask that Members with amendments come forward and let us know what the amendments are. We ask that they be germane, because nongermane amendments, even if they are passed, will not survive conference. We want to keep the proceedings moving forward, so we ask that amendments be germane. We ask Members to work with us so we can accept them or offer a compromise to make them acceptable. We want to do that. Otherwise, when votes are needed, and I am sure they will be, we ask that a reasonable time period be agreed on by both sides, the proponent of the amendment and the opponent, so we may get some orderly procedure so our colleagues will know how we are moving forward and we can show progress.

I thank the Chair and I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. CARPER).

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007—Continued

The PRESIDING OFFICER. The pending business is the Cornyn amendment. Who seeks recognition?

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

Mr. KYL. Mr. President, I wonder if my colleague will first allow me to lay down an amendment but not speak to it.

Mr. ALEXANDER. Yes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

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

The PRESIDING OFFICER. Yes, it is the Cornyn amendment.

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending amendment.

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

#### AMENDMENT NO. 866 TO AMENDMENT NO. 849

Mr. KYL. Mr. President, I simply ask unanimous consent to call up as a second-degree amendment to the pending amendment my amendment No. 866.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows: