

Resolved, That the Senate honors and celebrates the life and accomplishments of James Cameron and expresses condolences at his passing.

AMENDMENTS SUBMITTED & PROPOSED

SA 4332. Mr. BURNS (for himself and Mr. SANTORUM) 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.

SA 4333. Mr. NELSON, of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4334. 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 4335. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4336. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4337. Mr. REID (for himself, Mr. DURBIN, Mr. BIDEN, Mr. LEVIN, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4338. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4339. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4340. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4341. 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.

SA 4342. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4343. Mr. BINGAMAN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4344. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4345. 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 4346. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4347. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4348. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4349. Mr. WARNER (for Mrs. DOLE (for herself and Mr. JEFFORDS)) proposed an amendment to the bill S. 2766, supra.

SA 4350. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4351. Mr. LEVIN (for Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. DURBIN, Mr. LEVIN, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 2766, supra.

SA 4352. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 2766, supra.

SA 4353. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 2766, supra.

SA 4354. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 2766, supra.

SA 4355. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra.

SA 4356. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4357. Mr. LEVIN (for Mr. MENENDEZ (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2766, supra.

SA 4358. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4359. Mr. LEVIN (for Mr. BINGAMAN (for himself and Mr. MENENDEZ)) proposed an amendment to the bill S. 2766, supra.

SA 4360. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4361. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4362. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4363. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4364. 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.

SA 4365. Mr. CHAMBLISS (for himself, Mr. GRAHAM, Mrs. CLINTON, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4366. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2677, supra; which was ordered to lie on the table.

SA 4367. Mr. OBAMA (for himself and Mr. BOND) 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.

SA 4368. Mr. NELSON, of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4369. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4370. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4371. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4372. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4373. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 4374. Ms. CANTWELL (for herself and Mr. LIEBERMAN) 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.

SA 4375. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4376. Mr. ENZI proposed an amendment to the bill S. 2766, supra.

SA 4377. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4378. 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 4379. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4380. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4332. Mr. BURNS (for himself and Mr. SANTORUM) 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. FUNERAL CEREMONIES FOR VETERANS.

(a) SUPPORT FOR CEREMONIES BY DETAILS CONSISTING SOLELY OF MEMBERS OF VETERANS AND OTHER ORGANIZATIONS.—

(1) SUPPORT OF CEREMONIES.—Section 1491 of title 10, United States Code, is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

“(e) FUNERAL CEREMONIES FOR VETERANS PROVIDED BY DETAILS OTHER THAN FUNERAL HONOR DETAILS.—In the case of funeral honors at the funeral of a veteran that are provided by a detail that consists solely of members of veterans organizations or other organizations referred to in subsection (b)(2), the Secretary of the military department of

which the veteran was a member shall support the provision of such funeral honors through provision to each of not more than three persons who participates in the detail the daily stipend prescribed under subsection (d)(2)."

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (d)(2), by inserting "and subsection (e)" after "paragraph (1)(A)"; and

(B) in paragraph (1) of section (f), as redesignated by subsection (a)(1) of this section, by inserting "(other than a requirement in subsection (e))" after "pursuant to this section".

(b) USE OF EXCESS M-1 FOR CEREMONIAL AND OTHER PURPOSES.—Section 4683 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for funeral ceremonies of a member or former member of the armed forces and for other ceremonial purposes.";

(2) in subsection (c), by inserting after "accountability" the following: ", provided that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies";

(3) in subsection (d)—

(A) in paragraph (2), by striking " or" and inserting "or fire department";

(B) in paragraph (3), by striking the period at the end and inserting " or"; and

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

"(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3)."; and

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

"(e) ELIGIBLE DESIGNEE DEFINED.—In this section, the term 'eligible designee' means a designee of an eligible organization who—

"(1) is a spouse, son, daughter, nephew, niece, or other family relation of a member or former member of the armed forces;

"(2) is at least 18 years of age; and

"(3) has successfully completed a formal firearm training program or a hunting safety program."

SA 4333. Mr. NELSON of Florida (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 E of title VI, add the following:

SEC. 662. PILOT PROJECT ON PROVISION OF GOLF CARTS ACCESSIBLE FOR DISABLED PERSONS AT MILITARY GOLF COURSES.

(a) PILOT PROJECT REQUIRED.—The Secretary of Defense shall conduct a pilot project for the purpose of—

(1) assessing the feasibility of making available, as soon as practicable at all military golf courses in the United States, an adequate supply of golf carts that are accessible for disabled persons authorized to use such courses; and

(2) developing a Department of Defense-wide campaign to increase the awareness among such disabled persons of the availability of accessible golf carts and to pro-

mote the use of military golf courses by such disabled persons.

(b) SELECTION OF MILITARY GOLF COURSES.—

(1) NUMBER OF GOLF COURSES.—The Secretary shall conduct the pilot project at five military golf courses selected by the Secretary for purposes of the pilot project, including a military golf course located in the National Capital Region.

(2) CONSIDERATIONS.—The military golf courses so selected shall—

(A) be geographically dispersed; and

(B) be selected after consideration of the relative higher density of disabled members of the Armed Forces and military retirees in the vicinity of their installations.

(3) LIMITATION.—The Secretary may not select a military golf course to participate in the pilot project if that military golf course already has golf carts that are accessible for disabled persons.

(c) REQUIRED NUMBER OF ACCESSIBLE GOLF CARTS.—The Secretary shall provide at least two golf carts accessible to disabled persons at each pilot project location.

(d) ACCEPTANCE OF GOLF CARTS FROM PRIVATE SOURCES.—Notwithstanding any other provision of law, the Secretary may accept and utilize for purposes of the pilot project golf carts accessible to disabled persons that are donated to the Department for purposes of the pilot project.

(e) DEPARTMENT OF DEFENSE HEALTH CARE AWARENESS.—Military medical treatment facilities shall provide information to patients about the pilot project and the availability of golf carts accessible to disabled persons at military golf courses participating in the pilot project and at other military golf courses that already provide such golf carts.

(f) DURATION.—The Secretary shall conduct the pilot project for two years.

(f) REPORT REQUIRED.—Not later than December 31, 2007, the Secretary, acting through the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional defense committees a report containing—

(1) the results of the pilot project; and

(2) recommendations on the feasibility and advisability of expanding the pilot project to other military golf courses.

SA 4334. 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 I of title X, add following:

SEC. 1084. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds authorized to be appropriated by this Act, or any other Act, may be obligated or expended for a purpose as follows:

(1) To establish a permanent United States military installation or base in Iraq.

(2) To exercise United States control over the oil resources of Iraq.

SA 4335. Mrs. HUTCHISON 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 end of subtitle C of title IX, add the following:

SEC. 924. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

"(15) The homeland defense mission and the civil support mission of the reserve components of the armed forces, including the organization and capabilities required for the reserve components to discharge each such mission."

SA 4336. Mrs. HUTCHISON 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 end of subtitle F of title V, add the following:

SEC. 587. REPORT ON OMISSION OF SOCIAL SECURITY NUMBERS ON MILITARY IDENTIFICATION CARDS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the assessment of the Secretary of the feasibility of utilizing military identification cards that do not contain, display or exhibit the Social Security Number of the individual identified by such military identification card.

(b) MILITARY IDENTIFICATION CARD DEFINED.—In this section, the term "military identification card" has the meaning given the term "military ID card" in section 1060b(b)(1) of title 10, United States Code.

SA 4337. Mr. REID (for himself, Mr. DURBIN, Mr. BIDEN, Mr. LEVIN, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. ROCKEFELLER) 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. INTELLIGENCE ON IRAN.

(a) SUBMITTAL TO CONGRESS OF UPDATED NATIONAL INTELLIGENCE ESTIMATE ON IRAN.—

(1) SUBMITTAL REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an updated National Intelligence Estimate on Iran.

(2) NOTICE REGARDING SUBMITTAL.—If the Director determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(3) FORM.—The National Intelligence Estimate under paragraph (1) shall be submitted in classified form. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the National Intelligence Estimate should be submitted.

(4) ELEMENTS.—The National Intelligence Estimate submitted under paragraph (1) shall address the following:

(A) The foreign policy and regime objectives of Iran.

(B) The current status of the nuclear programs of Iran, including—

(i) an assessment of the current and projected capabilities of Iran to design a nuclear weapon, to produce plutonium, enriched uranium, and other weapons materials, to build a nuclear weapon, and to deploy a nuclear weapon; and

(ii) an assessment of the intentions of Iran regarding possible development of nuclear weapons, the motivations underlying such intentions, and the factors that might influence changes in such intentions.

(C) The military and defense capabilities of Iran, including any non-nuclear weapons of mass destruction programs and related delivery systems.

(D) The relationship of Iran with terrorist organizations, the use by Iran of terrorist organizations in furtherance of its foreign policy objectives, and the factors that might cause Iran to reduce or end such relationships.

(E) The prospects for support from the international community for various potential courses of action with respect to Iran, including diplomacy, sanctions, and military action.

(F) The anticipated reaction of Iran to the courses of action set forth under subparagraph (E), including an identification of the course or courses of action most likely to successfully influence Iran in terminating or moderating its policies of concern.

(G) The level of popular and elite support within Iran for the Iran regime, and for its civil nuclear program, nuclear weapons ambitions, and other policies, and the prospects for reform and political change within Iran.

(H) The views among the populace and elites of Iran with respect to the United States, including views on direct discussions with or normalization of relations with the United States.

(I) The views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran.

(J) The likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran.

(K) The confidence level of key judgments in the National Intelligence Estimate, the quality of the sources of intelligence on Iran, the nature and scope of any gaps in intelligence on Iran, and any significant alternative views on the matters contained in the National Intelligence Estimate.

(b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Presi-

dent shall submit to Congress a report on the following:

(A) The objectives of United States policy on Iran.

(B) The strategy for achieving such objectives.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) ELEMENTS.—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to Iran for which funds are provided by Congress; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

(c) DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON PROCESS FOR VETTING AND CLEARING ADMINISTRATION OFFICIALS' STATEMENTS DRAWN FROM INTELLIGENCE.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the process for vetting and clearing statements of Administration officials that are drawn from or rely upon intelligence.

(2) ELEMENTS.—The report shall—

(A) describe current policies and practices of the Office of the Director of National Intelligence and the intelligence community for—

(i) vetting and clearing statements of senior Administration officials that are drawn from or rely upon intelligence; and

(ii) how significant misstatements of intelligence that may occur in public statements of senior public officials are identified, brought to the attention of any such officials, and corrected;

(B) assess the sufficiency and adequacy of such policies and practices; and

(C) include any recommendations that the Director considers appropriate to improve such policies and practices.

SA 4338. Mr. CONRAD 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 151, line 13, strike “or the Secretary of Defense” and insert “, the Secretary of Defense, or the Secretary of the military department concerned”.

On page 152, line 21, strike “or the Secretary of Defense” and insert “, the Secretary of Defense, or the Secretary of the military department concerned”.

SA 4339. Ms. LANDRIEU 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:

On page 549, between lines 2 and 3, insert the following:

SEC. 2834. ESTABLISHMENT OF DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

“SEC. 2915. DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

“(a) ESTABLISHMENT.—There is established an independent board to be known as the Defense Base Closure and Realignment Review Board (hereafter in this section referred to as the ‘Board’).

“(b) MEMBERSHIP.—

“(1) COMPOSITION.—The Board shall be composed of 11 members appointed by the President, of whom—

“(A) 7 shall be voting members, appointed by and with the consent of the Senate, who have broad-based private sector experience in the areas of real estate management, banking, investments, auditing, and national security, of whom—

“(i) 4 shall be nominated by the President based on the respective recommendations of the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives; and

“(ii) one shall be designated by the President to serve as Chairman of the Board;

“(B) 4 shall be non-voting members, serving at the pleasure of the President, of whom—

“(i) one shall be an official of the Department of Defense;

“(ii) one shall be an official of the Environmental Protection Agency; and

“(iii) 2 shall be Federal Government officials (other than the officials described in clauses (i) and (ii)) designated by the President after consultation with the Comptroller General of the United States.

“(2) DATE.—The appointments of the members of the Board shall be made not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007.

“(c) PERIOD OF APPOINTMENT; VACANCIES.—

“(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of not more than 6 years, and may be reappointed by the President. The terms of not more than 4 members may expire during any one year.

“(2) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment and subject to any conditions that applied with respect to the original appointment. An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

“(d) DUTIES.—The Board shall carry out the following duties:

“(1) Ensuring compliance by the Department of Defense and the military departments with the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

“(2) Reviewing and analyzing the property conveyance policies of the Office of the Secretary of Defense and the military departments.

“(3) Assessing the effectiveness of such property conveyance policies.

“(4) Assessing the adequacy of funding related to the implementation of the approved recommendations of the Commission, including funding for environmental remediation.

“(e) REPORTS.—

“(1) ANNUAL REPORT.—

“(A) IN GENERAL.—Not later than October 31, 2007, and annually thereafter for the next

4 years, the Board shall submit to Congress and the President a report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

“(B) CONTENT.—Each report submitted under subparagraph (A) shall—

“(i) track and monitor the use of the Department of Defense Base Closure Account 2005 established by section 2906A;

“(ii) describe the implementation by each military department of the approved recommendations of the Commission, including any related annual net savings;

“(iii) describe the implementation of privatization plans;

“(iv) describe any environmental remediation undertaken by the Department of Defense, and the related costs; and

“(v) describe the effect, if any, of the closure or realignment of military installations under the 2005 round of defense base closure and realignment on the international treaty obligations of the United States.

“(C) COOPERATION OF DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretaries of the military departments shall cooperate with and provide such support to the Board as may be needed for the purpose of preparing reports under this paragraph.

“(2) SPECIAL REPORT ON ALTERNATIVE PROCESSES FOR CLOSED AND REALIGNED MILITARY INSTALLATIONS.—

“(A) IN GENERAL.—Not later than January 30, 2008, the Board shall submit to Congress and the President a report on the status of military installations scheduled for closure and realignment under the 2005 round of defense base closure and realignment.

“(B) CONTENT.—The report submitted under subparagraph (A) shall—

“(i) include the results and detailed analysis of a study of the implementation of the recommendations made by the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment;

“(ii) examine the feasibility of categorizing military installations scheduled for closure and realignment as—

“(I) properties that are the subject of negotiations with local redevelopment authorities or other parties for re-use or rezoning, and which may require special financing arrangements such as loans, loan guarantees, investments, environmental bonds and insurance, or other arrangements in order to transfer title and use to municipal, State, or private sector entities; and

“(II) properties that are sites on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)) or that have significant environmental remediation problems requiring long-term management and oversight; and

“(iii) include a detailed examination of the feasibility of—

“(I) using one or more corporate models, including a public-private corporate model such as a foundation with a dedicated endowment, for transferring, managing, and preparing military installations closed or realigned since 1988 as part of the defense base closure and realignment process; and

“(II) using a public-private corporation to handle properties designated pursuant to clause (ii)(I) and a foundation to handle properties designated pursuant to clause (ii)(II).

“(C) CONSULTATION WITH OTHER AGENCIES.—In completing the study required under this

paragraph, the Board shall consult with the Secretary of Defense, the Secretaries of the military departments, the Comptroller General of the United States, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration, the Secretary of Housing and Urban Development, and the Secretary of the Interior.

“(3) FINAL REPORT.—Not later than December 31, 2011, the Board shall submit to Congress and the President a final report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment. The report shall include a review of the defense base closure and realignment process and any recommendations of the Board for changes in such process.

“(f) MEETINGS.—

“(1) IN GENERAL.—Each meeting of the Board, other than meetings in which classified information is to be discussed, shall be open to the public.

“(2) ACCESS TO PROCEEDINGS, INFORMATION, AND DELIBERATIONS.—All the proceedings, information, and deliberations of the Board shall be open, upon request, to the following:

“(A) The Chairman and the ranking minority party member of the Subcommittee on Readiness and Management Support of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

“(B) The Chairman and the ranking minority party member of the Subcommittee on Readiness of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

“(C) The Chairman and ranking minority party member of the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committees on Appropriations of the Senate or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

“(D) The Chairman and ranking minority party member of the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committees on Appropriations of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

“(g) BOARD PERSONNEL MATTERS.—

“(1) COMPENSATION OF MEMBERS.—

“(A) IN GENERAL.—Each member of the Board, other than the Chairman, who is not an officer or employee of the Federal Government shall be compensated at a rate equivalent to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the Federal Government shall serve without compensation in addition to that received for their services as officers or employees of the Federal Government.

“(B) CHAIRMAN.—The Chairman shall be compensated at a rate equivalent to the daily equivalent to the annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in

accordance with sections 5702 and 5703 of title 5, United States Code.

“(3) DIRECTOR.—The Chairman of the Board may, without regard to the civil service laws and regulations, appoint a Director, who shall be paid at the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of title 5, United States Code. The employment of the Director shall be subject to confirmation by the Board.

“(4) APPOINTMENT OF STAFF.—The Director may, with the approval of the Board, appoint up to 25 staff members to enable the Board to perform its duties, and fix the compensation of such staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and the General Schedule pay rates, except that the rate of pay may not exceed the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of such title.

“(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(h) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such funds as are necessary to carry out its duties under this section. Such funds shall remain available until expended.

“(2) TRANSFER OF FUNDS.—If the Chairman of the Board certifies to the Secretary of Defense that insufficient funds are appropriated to the Board in any fiscal year, the Secretary of Defense shall, not later than 30 days after receiving such certification, transfer to the Board from the Department of Defense Base Closure Account 2005 established by section 2906A the amount requested by the Board in the certification. Such funds shall remain available until expended.

“(i) INAPPLICABILITY OF FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board.

“(j) TERMINATION.—The Board shall terminate 90 days after the submission of the final report required under subsection (e)(3).”

SA 4340. Ms. LANDRIEU 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:

On page 549, between lines 2 and 3, insert the following:

SEC. 2834. ESTABLISHMENT OF DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

“SEC. 2915. DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

“(a) ESTABLISHMENT.—There is established an independent board to be known as the Defense Base Closure and Realignment Review Board (hereafter in this section referred to as the ‘Board’).

“(b) MEMBERSHIP.—

“(1) COMPOSITION.—The Board shall be composed of 11 members appointed by the President, of whom—

“(A) 7 shall be voting members, appointed by and with the consent of the Senate, who

have broad-based private sector experience in the areas of real estate management, banking, investments, auditing, and national security, of whom—

“(i) 4 shall be nominated by the President based on the respective recommendations of the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives; and

“(ii) one shall be designated by the President to serve as Chairman of the Board;

“(B) 4 shall be non-voting members, serving at the pleasure of the President, of whom—

“(i) one shall be an official of the Department of Defense;

“(ii) one shall be an official of the Environmental Protection Agency; and

“(iii) 2 shall be Federal Government officials (other than the officials described in clauses (i) and (ii)) designated by the President after consultation with the Comptroller General of the United States.

“(2) DATE.—The appointments of the members of the Board shall be made not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007.

“(C) PERIOD OF APPOINTMENT; VACANCIES.—

“(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of not more than 6 years, and may be reappointed by the President. The terms of not more than 4 members may expire during any one year.

“(2) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment and subject to any conditions that applied with respect to the original appointment. An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

“(d) DUTIES.—The Board shall carry out the following duties:

“(1) Ensuring compliance by the Department of Defense and the military departments with the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

“(2) Reviewing and analyzing the property conveyance policies of the Office of the Secretary of Defense and the military departments.

“(3) Assessing the effectiveness of such property conveyance policies.

“(4) Assessing the adequacy of funding related to the implementation of the approved recommendations of the Commission, including funding for environmental remediation.

“(e) REPORTS.—

“(1) ANNUAL REPORT.—

“(A) IN GENERAL.—Not later than October 31, 2007, and annually thereafter for the next 4 years, the Board shall submit to Congress and the President a report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

“(B) CONTENT.—Each report submitted under subparagraph (A) shall—

“(i) track and monitor the use of the Department of Defense Base Closure Account 2005 established by section 2906A;

“(ii) describe the implementation by each military department of the approved recommendations of the Commission, including any related annual net savings;

“(iii) describe the implementation of privatization plans;

“(iv) describe any environmental remediation undertaken by the Department of Defense, and the related costs; and

“(v) describe the effect, if any, of the closure or realignment of military installations under the 2005 round of defense base closure and realignment on the international treaty obligations of the United States.

“(C) COOPERATION OF DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretaries of the military departments shall cooperate with and provide such support to the Board as may be needed for the purpose of preparing reports under this paragraph.

“(2) SPECIAL REPORT ON ALTERNATIVE PROCESSES FOR CLOSED AND REALIGNED MILITARY INSTALLATIONS.—

“(A) IN GENERAL.—Not later than January 30, 2008, the Board shall submit to Congress and the President a report on the status of military installations scheduled for closure and realignment under the 2005 round of defense base closure and realignment.

“(B) CONTENT.—The report submitted under subparagraph (A) shall—

“(i) include the results and detailed analysis of a study of the implementation of the recommendations made by the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment;

“(ii) examine the feasibility of categorizing military installations scheduled for closure and realignment as—

“(I) properties that are the subject of negotiations with local redevelopment authorities or other parties for re-use or rezoning, and which may require special financing arrangements such as loans, loan guarantees, investments, environmental bonds and insurance, or other arrangements in order to transfer title and use to municipal, State, or private sector entities; and

“(II) properties that are sites on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)) or that have significant environmental remediation problems requiring long-term management and oversight; and

“(iii) include a detailed examination of the feasibility of—

“(I) using one or more corporate models, including a public-private corporate model such as a foundation with a dedicated endowment, for transferring, managing, and preparing military installations closed or realigned since 1988 as part of the defense base closure and realignment process; and

“(II) using a public-private corporation to handle properties designated pursuant to clause (ii)(I) and a foundation to handle properties designated pursuant to clause (ii)(II).

“(C) CONSULTATION WITH OTHER AGENCIES.—In completing the study required under this paragraph, the Board shall consult with the Secretary of Defense, the Secretaries of the military departments, the Comptroller General of the United States, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration, the Secretary of Housing and Urban Development, and the Secretary of the Interior.

“(3) FINAL REPORT.—Not later than December 31, 2011, the Board shall submit to Congress and the President a final report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment. The report shall include a review of the defense base closure and realignment process and any recommendations of the Board for changes in such process.

“(f) MEETINGS.—

“(1) IN GENERAL.—Each meeting of the Board, other than meetings in which classified information is to be discussed, shall be open to the public.

“(2) ACCESS TO PROCEEDINGS, INFORMATION, AND DELIBERATIONS.—All the proceedings, information, and deliberations of the Board shall be open, upon request, to the following:

“(A) The Chairman and the ranking minority party member of the Subcommittee on Readiness and Management Support of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

“(B) The Chairman and the ranking minority party member of the Subcommittee on Readiness of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

“(C) The Chairman and ranking minority party member of the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committees on Appropriations of the Senate or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

“(D) The Chairman and ranking minority party member of the Subcommittee on Military Quality of Life and Veterans' Affairs, and Related Agencies of the Committees on Appropriations of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

“(g) BOARD PERSONNEL MATTERS.—

“(1) COMPENSATION OF MEMBERS.—

“(A) IN GENERAL.—Each member of the Board, other than the Chairman, who is not an officer or employee of the Federal Government shall be compensated at a rate equivalent to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the Federal Government shall serve without compensation in addition to that received for their services as officers or employees of the Federal Government.

“(B) CHAIRMAN.—The Chairman shall be compensated at a rate equivalent to the daily equivalent to the annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

“(3) DIRECTOR.—The Chairman of the Board may, without regard to the civil service laws and regulations, appoint a Director, who shall be paid at the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of title 5, United States Code. The employment of the Director shall be subject to confirmation by the Board.

“(4) APPOINTMENT OF STAFF.—The Director may, with the approval of the Board, appoint up to 25 staff members to enable the Board to perform its duties, and fix the compensation of such staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and the General Schedule pay rates, except that the rate of pay may not exceed the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of such title.

“(5) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(h) **FUNDING.**—

“(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Board such funds as are necessary to carry out its duties under this section. Such funds shall remain available until expended.

“(2) **TRANSFER OF FUNDS.**—If the Chairman of the Board certifies to the Secretary of Defense that insufficient funds are appropriated to the Board in any fiscal year, the Secretary of Defense shall, not later than 30 days after receiving such certification, transfer to the Board from the Department of Defense Base Closure Account 2005 established by section 2906A the amount requested by the Board in the certification. Such funds shall remain available until expended.

“(i) **INAPPLICABILITY OF FACA.**—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board.

“(j) **TERMINATION.**—The Board shall terminate 90 days after the submission of the final report required under subsection (e)(3).”.

SA 4341. 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 subtitle A of title XII, add the following:

SEC. 1209. RENDITION.

(a) **PROHIBITION ON RENDITION TO TORTURE.**—No individual in the custody or under the physical control of the United States, regardless of whether the individual is physically present in territory under the jurisdiction of the United States, may be transferred to a country if there are substantial grounds to believe that the individual would be in danger of being subjected to torture in such country.

(b) **REPORTS TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and every 12 months thereafter, the Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, the Attorney General, and the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report on the United States compliance with Article 3 of the Convention Against Torture.

(2) **CONTENTS.**—Each report under paragraph (1) shall include the following:

(A) The name of each country to which any person in the custody or under the physical control of the United States has been transferred—

(i) for the first report required by paragraph (1), during the period beginning on September 11, 2001 and ending on the date of such report; and

(ii) for each subsequent report, the 1-year period beginning on the date of the previous report.

(B) The name of each country described in subparagraph (A) from which the United States has obtained oral or written assurances that a person transferred from the custody or physical control of the United States to such country would not be subject to torture—

(i) for the first report required by paragraph (1), during the period beginning on September 11, 2001 and ending on the date of such report; and

(ii) for each subsequent report, the 1-year period beginning on the date of the previous report.

(C) For each country described in subparagraph (B)—

(i) a certification that the country has complied with its assurances that it would not subject to torture any individual transferred from the custody or physical control of the United States to such country or a statement that such certification cannot be made; and

(ii) a detailed explanation of the basis for each certification under clause (i), including—

(I) a description of the country's assurances to the United States, including whether the assurances are oral or written, and, if the assurances are written, a copy of the assurances;

(II) a description of all efforts to monitor compliance with the assurances, including whether the United States has made periodic visits to all individuals transferred from the custody or physical control of the United States to such country and investigated all credible allegations that such individuals have been subjected to torture, and, if so, the conclusions of the United States regarding the treatment of such individuals;

(III) whether international or local humanitarian or human rights groups have been able to monitor effectively the treatment of individuals transferred from the custody or physical control of the United States to such country, and, if so, the conclusions of such groups regarding the treatment of such individuals; and

(IV) human rights conditions in the country, based on the annual Human Rights Reports published by the Secretary of State, reports from international and local humanitarian and human rights groups, and any other relevant information.

(c) **PROHIBITION ON USE OF ASSURANCES.**—If the Secretary of State does not submit a certification under subsection (b)(2)(C)(i) with respect to a country described in subsection (b)(2)(B), the United States may not use oral or written assurances that a person transferred from the custody or physical control of the United States to such country will not be subject to torture as the basis for concluding that transferring such person to such country does not violate subsection (a).

(d) **SAVINGS CLAUSE.**—Nothing in this section shall be construed to eliminate, limit, or constrain in any way the rights that an individual has under the Convention Against Torture or any other applicable law.

(e) **DEFINITIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the terms used in this section have the meanings given those terms in the Convention Against Torture, subject to any reservations, understandings, declarations, and provisos contained in the Senate resolution advising and consenting to the ratification of the Convention Against Torture.

(2) **TERMS.**—In this section—

(A) the term “transferred” means to expel, return, extradite, or otherwise relocate a person from the custody or physical control of the United States to another country;

(B) the term “appropriate committees of Congress” means the Select Committee on Intelligence, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence, the Committee on International Relations, the Committee on Armed Services, and the Committee on the Judiciary of the House of Representatives; and

(C) the term “Convention Against Torture” means the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

SA 4342. Mrs. LINCOLN 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 end of subtitle D of title V, add the following:

SEC. 569. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) **MODIFICATION.**—Section 16164(a) of title 10, United States Code, is amended by striking “this chapter while serving—” and all that follows and inserting “this chapter—

“(1) while the member is serving—

“(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

“(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

“(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.”.

(b) **CONFORMING AMENDMENT.**—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

“(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), to which such amendments relate.

SA 4343. Mr. BINGAMAN (for himself and Mr. MENENDEZ) 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; 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 ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the

Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) ELEMENTS.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109-58).

(2) The Energy Policy Act of 1992 (Public Law 102-486).

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

SA 4344. 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 F of title III, add the following:

SEC. 375. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS IN THE UNITED STATES TO IMPROVE RESPONSE TO NATURAL DISASTERS AND NATIONAL EMERGENCIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of pre-packaged or pre-identified basic response assets, such as medical supplies, food and water, and communication equipment, at various locations in the United States in order to improve the Department of Defense response to natural disasters and national emergencies.

(b) PROCEDURES AND GUIDELINES.—The Secretary shall develop procedures and guidelines for the prepositioning of assets under this section.

SA 4345. 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 D of title V, add the following new section:

SEC. 569. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2033. Instructor qualifications

“(a) IN GENERAL.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

“(b) SENIOR MILITARY INSTRUCTORS.—

“(1) ROLE.—Senior military instructors shall be retired officers of the armed forces

and shall serve as instructional leaders who oversee the program.

“(2) QUALIFICATIONS.—A senior military instructor shall have the following qualifications:

“(A) Professional military qualification, as determined by the Secretary of the military department concerned.

“(B) Award of a baccalaureate degree from an institution of higher learning.

“(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

“(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

“(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

“(ii) professional development to meet content knowledge and instructional skills; and

“(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

“(c) NON-SENIOR MILITARY INSTRUCTORS.—

“(1) ROLE.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

“(2) QUALIFICATIONS.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

“(A) Professional military qualification, as determined by the Secretary of the military department concerned.

“(B) Award of an associates degree from an institution of higher learning within 5 years of employment.

“(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

“(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

“(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

“(ii) professional development to meet content knowledge and instructional skills; and

“(iii) performance evaluation of competencies and standards within the program through site visits and inspections.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2033. Instructor qualifications.”

SA 4346. Mr. LOTT 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. UNMANNED AERIAL VEHICLES FOR THE ARMY.

(a) PROCUREMENT OF CLASS IV SYSTEMS IN FISCAL YEAR 2007.—The Secretary of the Army shall provide for the procurement during fiscal year 2007 of eight Class IV Unmanned Aerial Vehicles (UAVs) for the Army

as provided for in the budget of the President for fiscal year 2007 (as submitted to Congress for such fiscal year under section 1105(a) of title 31, United States Code).

(b) AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, \$29,000,000 may be available for experimentation and the refinement of tactics and doctrine relating to the use of the Class IV Unmanned Aerial Vehicles procured under subsection (a) and two ground stations associated with such vehicles.

SA 4347. Mr. LOTT (for himself and Mr. COCHRAN) 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 X, add the following:

SEC. 1013. AGREEMENT BY NAVY AND COAST GUARD ON USE OF CYCLONE CLASS PATROL COASTAL SHIPS.

(a) AGREEMENT REQUIRED.—Not later than March 30, 2007, the Secretary of the Navy shall submit to Congress an agreement between the Secretary and the Commandant of the Coast Guard for the operation of the 179-foot Cyclone class patrol coastal ships through September 2013.

(b) ELEMENTS.—The agreement required under subsection (a) shall—

(1) include provisions for operational control of the 13 ships of the 179-foot Cyclone class patrol coastal ship class;

(2) describe responsibilities for funding for operation and maintenance costs associated with operation of such ships;

(3) ensure the more efficient employment of such ships to eliminate the near-term shortfall of the Coast Guard for Deepwater patrol boat hours while meeting validated riverine and coastal warfare requirements of the Navy; and

(4) ensure that the Coast Guard retains operational control over at least five Cyclone class patrol coastal ships until September 30, 2013.

SA 4348. Mr. GRASSLEY 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 V, add the following:

SEC. —. NATIONAL GUARD COUNTERDRUG SCHOOLS.

(a) AUTHORITY TO OPERATE.—Under such regulations as the Secretary of Defense may prescribe, the Chief of the National Guard Bureau may establish and operate, or provide financial assistance to the States to establish and operate, not more than five schools (to be known generally as “National Guard counterdrug schools”).

(b) PURPOSE.—The purpose of the National Guard counterdrug schools shall be the provision by the National Guard of training in

drug interdiction and counterdrug activities and drug demand reduction activities to personnel of the following:

- (1) Federal agencies.
- (2) State and local law enforcement agencies.
- (3) Community-based organizations engaged in such activities.
- (4) Other non-Federal governmental and private entities and organizations engaged in such activities.

(c) COUNTERDRUG SCHOOLS SPECIFIED.—The National Guard counterdrug schools operated under the authority in subsection (a) are as follows:

- (1) The National Interagency Civil-Military Institute (NICI), San Luis Obispo, California.
- (2) The Multi-Jurisdictional Counterdrug Task Force Training (MCTFT), St. Petersburg, Florida.
- (3) The Midwest Counterdrug Training Center (MCTC), Johnston, Iowa.
- (4) The Regional Counterdrug Training Academy (RCTA), Meridian, Mississippi.
- (5) The Northeast Regional Counterdrug Training Center (NCTC), Fort Indiantown Gap, Pennsylvania.

(d) USE OF NATIONAL GUARD PERSONNEL.—

(1) IN GENERAL.—To the extent provided for in the State drug interdiction and counterdrug activities plan of a State in which a National Guard counterdrug school is located, personnel of the National Guard of that State who are ordered to perform full-time National Guard duty authorized under section 112(b) of that title 32, United States Code, may provide training referred to in subsection (b) at that school.

(2) DEFINITION.—In this subsection, the term “State drug interdiction and counterdrug activities plan”, in the case of a State, means the current plan submitted by the Governor of the State to the Secretary of Defense under section 112 of title 32, United States Code.

(e) TREATMENT UNDER AUTHORITY TO PROVIDE COUNTERDRUG SUPPORT.—The provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) shall apply to any activities of a National Guard counterdrug school under this section that are for an agency referred to in subsection (a) of such section 1004 and for a purpose set forth in subsection (b) of such section 1004.

(f) ANNUAL REPORTS ON ACTIVITIES.—

(1) IN GENERAL.—Not later than February 1 each year, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools during the preceding year.

(2) CONTENTS.—Each report under paragraph (1) shall set forth the following:

(A) FUNDING.—The amount made available for each National Guard counterdrug school during the fiscal year ending in the year preceding the year in which such report is submitted.

(B) ACTIVITIES.—A description of the activities of each National Guard counterdrug school during the year preceding the year in which such report is submitted.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense for the National Guard for each of fiscal years 2006 through 2010, \$30,000,000 for purposes of the National Guard counterdrug schools in such fiscal year.

(2) CONSTRUCTION.—The amount authorized to be appropriated by paragraph (1) for a fiscal year is in addition to any other amount authorized to be appropriated for the Department of Defense for the National Guard for such fiscal year.

SA 4349. Mr. WARNER (for Mrs. DOLE (for herself and Mr. JEFFORDS)) 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 D of title III, add the following:

SEC. 352. NATIONAL ACADEMY OF SCIENCES STUDY ON HUMAN EXPOSURE TO CONTAMINATED DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Navy shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to drinking water contaminated with trichloroethylene (TCE) and tetrachloroethylene (PCE) at Camp Lejeune, North Carolina, as well as other pre-natal, child, and adult exposures to levels of trichloroethylene and tetrachloroethylene similar to those experienced at Camp Lejeune, and birth defects or diseases and any other adverse health effects.

(2) ELEMENTS.—In conducting the review and evaluation, the Academy shall review and summarize the scientific and medical evidence and assess the strength of that evidence in establishing a link or association between exposure to trichloroethylene and tetrachloroethylene and each birth defect or disease suspected to be associated with such exposure. For each birth defect or disease reviewed, the Academy shall determine, to the extent practicable with available scientific and medical data, whether—

(A) a statistical association with such contaminant exposures exists; and

(B) there exist plausible biological mechanisms or other evidence of a causal relationship between contaminant exposures and the birth defect or disease.

(3) SCOPE OF REVIEW.—In conducting the review and evaluation, the Academy shall include a review and evaluation of—

(A) the toxicologic and epidemiologic literature on adverse health effects of trichloroethylene and tetrachloroethylene, including epidemiologic and risk assessment reports from government agencies;

(B) recent literature reviews by the National Research Council, Institute of Medicine, and other groups;

(C) the completed and on-going Agency for Toxic Substances Disease Registry (ATSDR) studies on potential trichloroethylene and tetrachloroethylene exposure at Camp Lejeune; and

(D) published meta-analyses.

(4) PEER REVIEW.—The Academy shall obtain the peer review of the report prepared as a result of the review and evaluation under applicable Academy procedures.

(5) SUBMITTAL.—The Academy shall submit the report prepared as a result of the review and evaluation to the Secretary and Congress not later than 18 months after entering into the agreement for the review and evaluation under paragraph (1).

(b) NOTICE ON EXPOSURE.—

(1) NOTICE REQUIRED.—Upon completion of the current epidemiological study by the Agency for Toxic Substances Disease Registry, known as the Exposure to Volatile Or-

ganic Compounds in Drinking Water and Specific Birth Defects and Childhood Cancers, United States Marine Corps Base Camp Lejeune, North Carolina, the Commandant of the Marine Corps shall take appropriate actions, including the use of national media such as newspapers, television, and the Internet, to notify former Camp Lejeune residents and employees who may have been exposed to drinking water impacted by trichloroethylene and tetrachloroethylene of the results of the study.

(2) ELEMENTS.—The information provided by the Commandant of the Marine Corps under paragraph (1) shall be prepared in conjunction with the Agency for Toxic Substances Disease Registry and shall include a description of sources of additional information relating to such exposure, including, but not be limited to, the following:

(A) A description of the events resulting in exposure to contaminated drinking water at Camp Lejeune.

(B) A description of the duration and extent of the contamination of drinking water at Camp Lejeune.

(C) The known and suspected health effects of exposure to the drinking water impacted by trichloroethylene and tetrachloroethylene at Camp Lejeune.

SA 4350. Mr. WARNER 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 A of title IX, add the following:

SEC. 903. UNITED STATES MARINE BAND AND UNITED STATES MARINE DRUM AND BUGLE CORPS.

(a) IN GENERAL.—Section 6222 of title 10, United States Code, is amended to read as follows:

“§ 6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members

“(a) UNITED STATES MARINE BAND.—The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

“(b) UNITED STATES MARINE DRUM AND BUGLE CORPS.—The drum and bugle corps of the Marine Corps shall be composed of one commanding officer and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

“(c) APPOINTMENT AND PROMOTION.—(1) The Secretary of the Navy shall prescribe regulations for the appointment and promotion of members of the Marine Band and members of the Marine Drum and Bugle Corps.

“(2) The President may from time to time appoint members of the Marine Band and members of the Marine Drum and Bugle Corps to grades not above the grade of captain. The authority of the President to make appointments under this paragraph may be delegated only to the Secretary of Defense.

“(3) The President, by and with the advice and consent of the Senate, may from time to time appoint any member of the Marine Band or of the Marine Drum and Bugle Corps to a grade above the grade of captain.

“(d) RETIREMENT.—Unless otherwise entitled to higher retired grade and retired pay, a member of the Marine Band or Marine Drum and Bugle Corps who holds, or has

held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary of the Navy determines that such member served satisfactorily.

“(e) REVOCATION OF APPOINTMENT.—The Secretary of the Navy may revoke any appointment of a member of the Marine Band or Marine Drum and Bugle Corps. When a member’s appointment to a commissioned grade terminates under this subsection, such member is entitled, at the option of such member—

“(1) to be discharged from the Marine Corps; or

“(2) to revert to the grade and status such member held at the time of appointment under this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6222 and inserting the following new item:

“6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members.”.

SA 4351. Mr. LEVIN (for Mr. AKAKA (for himself, Mrs. COLLINS, Mr. GRASSLEY, Mr. DURBIN, Mr. LEVIN, and Mr. LIEBERMAN)) 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 appropriate place, insert the following:

SEC. ____ PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Employee Protection of Disclosures Act”.

(b) **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”;

(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”;

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

(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 reason-

ably 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

“(i) is made to—

“(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

“(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

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

(c) **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”;

(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 mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.”.

(d) **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, except that an employee or applicant may be disciplined for the disclosure of information described in paragraph (8)(C)(i) to a Member or employee of Congress who is not authorized to receive such information. 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.”.

(e) **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 determination 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 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 disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, 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 regard 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 regard 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.”.

(f) 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 Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

“(II) as determined by the President, any executive agency or unit thereof the principal 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”.

(g) 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”.

(h) 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.”.

(i) 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).”.

(j) 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 the Federal Employee Protection of Disclosures Act, 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 the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) ob-

tained 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.”.

(k) 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.

(1) 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.”.

(m) 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”.

(n) 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”.

(o) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

SA 4352. Mr. WARNER (for Mr. ENSIGN) 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 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 4353. Mr. LEVIN (for Mr. AKAKA) 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 A of title VIII, add the following:

SEC. 812. GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) GOVERNMENT PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—Section 2383 of title 10, United States Code is amended—

(A) by redesignating subsection (b) as subsection (c); and

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

“(b) GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.—The head of an agency shall ensure that, at a minimum, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified full-time Federal military or civilian employee:

“(1) Program manager.

“(2) Deputy program manager.

“(3) Chief engineer.

“(4) Systems engineer.

“(5) Cost estimator.

(2) DEFINITIONAL MATTERS.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is further amended by adding at the end the following new paragraphs:

“(5) The term ‘major defense acquisition program’ has the meaning given such term in section 2430(a) of this title.

“(6) The term ‘major automated information system program’ has the meaning given such term in section 2445a(a) of this title.”.

(b) EFFECTIVE DATE AND PHASE-IN.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is one year after the date of enactment of this Act.

(2) TEMPORARY WAIVER.—During the two years period beginning on the effective date specified in paragraph (1), the head of an agency may waive the requirement in subsection (b) of section 2383 of title 10, United States Code, as amended by subsection (a) of this section, with regard to a specific function on a particular program upon a written determination by the head of the agency that a properly qualified full-time Federal military or civilian employee cannot reasonably be made available to perform such function.

SA 4354. Mr. WARNER (for Mr. ENSIGN) 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 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 4355. Mr. WARNER (for himself and Mr. LEVIN) 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:

On page 380, line 18, strike “\$3,750,000,000” and insert “\$5,000,000,000”.

SA 4356. Mr. WARNER (for himself and Mr. LEVIN) 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:

Strike section 1002 and insert the following:

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2006.

(a) IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234).

(b) HURRICANE DISASTER RELIEF AND RECOVERY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

(c) BORDER SECURITY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

SA 4357. Mr. LEVIN (for Mr. MENENDEZ (for himself and Mr. BINGAMAN))

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 B of title XXVIII, add the following:

SEC. 2828. USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.

It shall be the goal of the Department of Defense to ensure that the Department—

(1) produces or procures not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter from renewable energy sources (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)); and

(2) produces or procures such renewable energy when it is life-cycle cost effective to do so (as defined in section 708 of Executive Order 13123 (42 U.S.C. 8251 note; relating to greening the Government through efficient energy management)).

SA 4358. Mr. WARNER (for himself and Mr. LEVIN) 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 463, beginning on line 8, strike “paragraph (1) in fiscal year 2007 for the expenses and costs” and insert “paragraph (1)(A) in fiscal year 2007 for the expenses”.

SA 4359. Mr. LEVIN (for Mr. BINGAMAN (for himself and Mr. MENENDEZ)) 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 D of title III, add the following:

SEC. 352. REPORT ON ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) ELEMENTS.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109-58).

(2) The Energy Policy Act of 1992. (Public Law 102-486)

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

SA 4360. Mr. WARNER 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 part II of subtitle A of title V, add the following:

SEC. 521. REPORT ON JOINT OFFICER PROMOTION BOARDS.

(a) REPORT REQUIRED.—Not later than June 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the desirability and feasibility of conducting joint officer promotion selection boards.

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

(1) a discussion of the limitations in existing officer career paths and promotion procedures that might warrant the conduct of joint officer promotion selection boards;

(2) an identification of the requirements for officers for which joint officer promotion selection boards would be advantageous;

(3) recommendations on methods to demonstrate how joint officer promotion selection boards might be structured, and an evaluation of the feasibility of such methods; and

(4) any proposals for legislative action that the Secretary considers appropriate.

SA 4361. Mrs. CLINTON 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 end of subtitle A of title XII, add the following:

SEC. 1209. REPORTS ON IMPLEMENTATION OF THE DARFUR PEACE AGREEMENT.

(a) REQUIREMENT FOR REPORTS.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter until the date that the President submits the certification described in subsection (b), the President shall submit to Congress a report on the implementation of the Darfur Peace Agreement of May 5, 2006, and the situation in Darfur, Sudan. Each such report shall include—

(1) a description of the steps being taken by the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), and other parties to the Agreement to uphold their commitments to—

(A) demobilize and disarm the Janjaweed, as stated in paragraphs 214(F), 338, 339, 340, 366, 387, and 368 of the Agreement;

(B) provide secure, unfettered access for humanitarian personnel and supplies, as stated in paragraph 214(E) of the Agreement;

(C) ensure that foreign combatants respect the provisions of the Agreement, as stated in paragraphs 341 through 344 of the Agreement; and

(D) expedite the safe and voluntary return of internally-displaced persons and refugees to their places of origin, as stated in paragraphs 182 through 187 of the Agreement;

(2) a description of any violation of the Agreement and any delay in implementing

the Agreement, including any such violation or delay that compromises the safety of civilians, and the names of the individuals or entities responsible for such violation or delay;

(3) a description of any attacks against civilians and any activities that disrupt implementation of the Agreement by armed persons who are not a party to the Agreement; and

(4) a description of the ability of the Ceasefire Commission, the African Union Mission in Sudan, and the other organizations identified in the Agreement to monitor the implementation of the Agreement, and a description of any obstruction to such monitoring.

(b) CERTIFICATION.—The certification described in this subsection is a certification made by the President and submitted to Congress that the Government of Sudan has fulfilled its obligations under the Darfur Peace Agreement of May 5, 2006, to demobilize and disarm the Janjaweed and to protect civilians.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—A report submitted under this section shall be in an unclassified form and may include a classified annex.

(2) AVAILABILITY.—The President shall make the unclassified portion of a reported submitted under this section available to the public.

SA 4362. Mrs. LANDRIEU 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 end of subtitle B of title III, add the following:

SEC. 315. INDIVIDUAL FIRST AID KIT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, \$3,500,000 may be available for the Individual First Aid Kit (IFAK).

SA 4363. Mrs. LANDRIEU 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 end of subtitle B of title III, add the following:

SEC. 315. INFANTRY COMBAT EQUIPMENT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, \$5,850,000 may be available for Infantry Combat Equipment (ICE).

SA 4364. 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 De-

partment 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 XXVIII, add the following:

SEC. 2828. NAMING OF NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF LANE EVANS, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

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

(1) Representative Lane Evans was elected to the House of Representatives in 1982 and is now in his 12th term representing the people of Illinois' 17th Congressional district.

(2) As a member of the Committee on Armed Services of the House of Representatives, Representative Evans has worked to bring common sense priorities to defense spending and strengthen the military's conventional readiness.

(3) Representative Evans has been a tireless advocate for military veterans, ensuring that veterans receive the medical care they need and advocating for individuals suffering from post-traumatic stress disorder and Gulf War Syndrome.

(4) Representative Evans' efforts to improve the transition of individuals from military service to the care of the Department of Veterans Affairs will continue to benefit generations of veterans long into the future.

(5) Representative Evans is credited with bringing new services to veterans living in his Congressional district, including outpatient clinics in the Quad Cities and Quincy and the Quad-Cities Vet Center.

(6) Representative Evans has worked with local leaders to promote the Rock Island Arsenal and has seen it win new jobs and missions through his support.

(7) In honor of his service in the Marine Corps and to his district and the United States, it is fitting and proper that the Navy and Marine Corps Reserve Center at Rock Island Arsenal be named in honor of Representative Evans.

(b) DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the "Lane Evans Navy and Marine Corps Reserve Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

SA 4365. Mr. CHAMBLISS (for himself, Mr. GRAHAM, Mrs. CLINTON, and Mr. BURNS) 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. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) has attained the eligibility age applicable under subsection (f) to that person;”;

and

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

“(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

“(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

“(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of this title or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

“(ii) Active service described in this subparagraph is service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

“(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).”.

(b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.—Section 1074(b) of such title is amended—

(1) by inserting “(1)” after “(b)”; and

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

“(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.”.

(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

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

SEC. 707. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR COVERAGE UNDER TRICARE.

(a) IN GENERAL.—Subsection (a) of section 1076b of title 10, United States Code, is amended—

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

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and

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

“(4) is an employee of a business with 20 or fewer employees.”.

(b) PREMIUMS.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

“(C) For members eligible under paragraph (4) of subsection (a), the amount equal to 75 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SA 4366. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2677, 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 IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called “black space”) and the non-intelligence aspects of national security space (so-called “white space”).

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

SA 4367. Mr. OBAMA (for himself and Mr. BOND) 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. ASSESSMENT OF PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of providing an electronic copy of military records to members of the Armed Forces on their discharge or release from the Armed Forces.

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

(A) An estimate of the costs of the provision of military records as described in paragraph (1).

(B) An assessment of providing military records as described in that paragraph through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(C) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that paragraph.

(D) An assessment of the benefits to the members of the Armed Forces of receiving their military records as described in that paragraph.

(E) If the Secretary determines that providing military records to members of the Armed Forces as described in that paragraph is feasible and advisable, a plan (including a schedule) for providing such records to members of the Armed Forces as so described in order to ensure that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(F) Any other matter relating to the provision of military records as described in that paragraph that the Secretary considers appropriate.

(b) PILOT PROGRAM.—

(1) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing an electronic copy of military records

to members of the Armed Forces on their discharge or release from the Armed Forces.

(2) LOCATION.—The Secretary shall carry out the pilot program at two locations, of which—

(A) one shall be a military installation at which members of the Armed Forces are processed for separation from active duty in the Armed Forces; and

(B) one shall be a military installation at which members of the reserve components of the Armed Forces are processed for release from active duty following deployment on active duty in support of Operation Iraqi Freedom or Operation Enduring Freedom.

(3) PROVISION OF MILITARY RECORDS.—Under the pilot program, the Secretary shall provide an electronic copy of such member's military records to each member of the Armed Forces undergoing separation from the Armed Forces, or release from active duty in the Armed Forces, at a location of the pilot program under paragraph (2) during the period of the pilot program.

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the pilot program.

(c) MILITARY RECORDS DEFINED.—In this section, the term “military records”, with respect to a member of the Armed Forces, includes all military service records, military medical records, and other military records of the member of the armed Forces.

SA 4368. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) 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 X, add the following:

SEC. 1024. OPERATION BAHAMAS, TURKS & CAICOS.

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

(1) In 1982 the United States Government created Operation Bahamas, Turks & Caicos (OPBAT) to counter the smuggling of cocaine into the United States.

(2) According to the Drug Enforcement Agency, an estimated 80 percent of the cocaine entering the United States in the 1980s came through the Bahamas, whereas, according to the Office of National Drug Control Policy, only an estimated 10 percent comes through the Bahamas today.

(3) According to the Drug Enforcement Agency, more than 80,000 kilograms of cocaine and nearly 700,000 pounds of marijuana have been seized in Operation Bahamas, Turks & Caicos since 1986, with a combined street value of approximately two trillion dollars.

(4) The Army has provided military airlift to law enforcement officials under Operation Bahamas, Turks & Caicos to create an effective, reliable, and immediate response capability for drug interdiction. This support is largely responsible for the decline in cocaine shipments to the United States through the Bahamas.

(5) The Bahamas is an island nation composed of approximately 700 islands and keys, which makes aviation assets the best and most efficient method of transporting law enforcement agents and interdicting smugglers.

(6) It is in the interest of the United States to maintain the results of the successful Operation Bahamas, Turks & Caicos program and prevent drug smugglers from rebuilding their operations through the Bahamas.

(b) REPORT ON UNITED STATES GOVERNMENT SUPPORT FOR OPBAT.—

(1) REPORT ON DECISION TO WITHDRAW.—Not later than 30 days before implementing a decision to withdraw Department of Defense helicopters from Operation Bahamas, Turks & Caicos, the Secretary of Defense shall submit to the Congress a report outlining the plan for the coordination of the Operation Bahamas, Turks & Caicos mission, at the same level of effectiveness, using other United States Government assets.

(2) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, and with other appropriate officials of the United States Government, in preparing the report under paragraph (1).

(3) ELEMENTS.—The report under paragraph (1) on the withdrawal of equipment referred to in that paragraph shall include the following:

(A) An explanation of the military justification for the withdrawal of the equipment.

(B) An assessment of the availability of other options (including other Government helicopters) to provide the capability being provided by the equipment to be withdrawn.

(C) An explanation of how each option specified under subparagraph (B) will provide the capability currently provided by the equipment to be withdrawn.

(D) An assessment of the potential use of unmanned aerial vehicles in Operation Bahamas, Turks & Caicos, including the capabilities of such vehicles and any advantages or disadvantages associated with the use of such vehicles in that operation, and a recommendation on whether or not to deploy such vehicles in that operation.

SA 4369. Mr. JEFFORDS 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 555, strike line 1 and all that follows through "Secretary" on line 13 and insert the following: "(B) The Secretary".

SA 4370. Mr. COBURN 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 X, add the following:

SEC. 1008. REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT AND NOTICE REQUIRED.—The Secretary of Defense shall submit to Congress, and post on the Internet

website of the Department of Defense available to the public, each year information as follows:

(1) A description of each earmark of funds made available to the Department of Defense for the previous fiscal year, including the location (by city, State, country, and congressional district if relevant) in which the earmarked funds are to be utilized, the purpose of such earmark (if known), and the recipient of such earmark.

(2) The total cost of administering each such earmark including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) The total cost of administering all such earmarks.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department, set forth using a rating system as follows:

(A) A for an earmark that directly advances the primary goals of the Department or an agency, element, or component of the Department.

(B) B for an earmark that advances many of the primary goals of the Department or an agency, element, or component of the Department.

(C) C for an earmark that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

(D) D for an earmark that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

(E) F for an earmark that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

(b) EARMARK DEFINED.—In this section, the term "earmark" means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance not requested by the President and the amount of the assistance to be so received.

SA 4371. Mr. COBURN 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 345, line 2, strike "poor" and insert "below-satisfactory performance or performance that does not meet the basic requirements of the contract".

SA 4372. Mr. COBURN 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. FISCAL INTEGRITY OF TRAVEL PAYMENTS.

Not later than November 15, 2006, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report including—

(1) risk assessments performed by the Department of Defense on payments made by the Department for travel, as required under section 2 of the Improper Payments Information Act of 2002 (Public Law 107-300; 31 U.S.C. 3321 note); and

(2) a justification detailing the methodology used to determine the risk susceptibility of making improper payments in activities related to Department of Defense travel during fiscal year 2005, including—

(A) an explanation of how the Department used a statistically valid estimate to determine travel payments for fiscal year 2005 in accordance with guidance in Office of Management and Budget Memorandum 30-13 issued pursuant to the Improper Payments Information Act of 2002 (Public Law 107-300; 31 U.S.C. 3321 note); and

(B) a declaration of whether or not activities related to such travel payments were determined to be at significant risk of making improper payments for such fiscal year.

SA 4373. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ None of the funds appropriated by this Act may be obligated or expended for the further development, deployment, or operation of any web-based, end-to-end travel management system, or services under any contract for such travel services that provides for payment by the Department of Defense to the service provider above, or in addition to, a fixed price transaction fee for eTravel services under the General Services Administration eTravel contract.

SA 4374. Ms. CANTWELL (for herself and Mr. LIEBERMAN) 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 end of subtitle C of title VII, add the following:

SEC. 746. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

(a) STUDY.—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) URANIUM-EXPOSED SOLDIERS.—In this section, the term "uranium-exposed soldiers" means a member or former member of

the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress on the results of the study described in subsection (a).

SA 4375. Ms. LANDRIEU 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 end of subtitle A of title X add the following:

SEC. 1008. MODIFICATION OF AVAILABILITY OF CERTAIN FUNDS FOR THE DEPARTMENT OF DEFENSE TO ADDRESS HURRICANES IN THE GULF OF MEXICO IN 2005.

(a) RESERVE PERSONNEL, ARMY.—Chapter 2 of title I of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (division B of Public Law 109-148) is amended under the heading “RESERVE PERSONNEL, ARMY” by striking “September 30, 2006” and inserting “September 30, 2007”.

(b) OPERATION AND MAINTENANCE, ARMY RESERVE.—Chapter 2 of title I of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 is amended under the heading “OPERATION AND MAINTENANCE, ARMY RESERVE” by striking “September 30, 2006” and inserting “September 30, 2007”.

SA 4376. Mr. ENZI 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, add the following new Division:
DIVISION D—OTHER PROVISIONS
TITLE XXXI—ASSISTANCE FOR WORKERS AND SMALL BUSINESSES

Subtitle A—Minimum Wage Adjustment
SEC. 4101. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

“(1) except as otherwise provided in this section, not less than—

“(A) \$5.70 an hour, beginning 6 months after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007; and

“(B) \$6.25 an hour, beginning 18 months after such date of enactment;”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 6 months after the date of enactment of this Act.

Subtitle B—Workplace Flexibility

SEC. 4111. SHORT TITLE.

This subtitle may be cited as the “Workplace Flexibility Act”.

SEC. 4112. BIWEEKLY WORK PROGRAMS.

(a) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

“SEC. 13A. BIWEEKLY WORK PROGRAMS.

“(a) VOLUNTARY PARTICIPATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

“(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required to participate in such a program in accordance with the agreement.

“(b) BIWEEKLY WORK PROGRAMS.—

“(1) IN GENERAL.—Notwithstanding section 7, an employer may establish biweekly work programs that allow the use of a biweekly work schedule—

“(A) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

“(B) in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2 weeks involved.

“(2) CONDITIONS.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

“(A) AGREEMENT.—The program may be carried out only in accordance with—

“(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

“(ii) in the case of an employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and employee before the performance of the work involved if the agreement was entered into knowingly and voluntarily by such employee and was not a condition of employment.

“(B) STATEMENT.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

“(C) MINIMUM SERVICE.—No employee may participate, or agree to participate, in the program unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

“(3) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7, in the case of an employee participating in such a biweekly work program, the employee shall be

compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

“(4) COMPUTATION OF OVERTIME.—All hours worked by the employee in excess of such a biweekly work schedule or in excess of 80 hours in the 2-week period, that are requested in advance by the employer, shall be overtime hours.

“(5) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

“(6) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

“(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days’ written notice to the employees who are subject to an agreement described in paragraph (2)(A)(ii).

“(B) WITHDRAWAL.—An employee may withdraw an agreement described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A), by submitting a written notice of withdrawal to the employer of the employee.

“(c) PROHIBITION OF COERCION.—

“(1) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule.

“(2) DEFINITION.—In paragraph (1), the term ‘intimidate, threaten, or coerce’ includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

“(d) DEFINITIONS.—In this section:

“(1) BASIC WORK REQUIREMENT.—The term ‘basic work requirement’ means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

“(2) COLLECTIVE BARGAINING.—The term ‘collective bargaining’ means the performance of the mutual obligation of the representative of an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

“(3) COLLECTIVE BARGAINING AGREEMENT.—The term ‘collective bargaining agreement’ means an agreement entered into as a result of collective bargaining.

“(4) ELECTION.—The term ‘at the election of’, used with respect to an employee, means at the initiative of, and at the request of, the employee.

“(5) EMPLOYEE.—The term ‘employee’ means an individual—

“(A) who is an employee (as defined in section 3);

“(B) who is not an employee of a public agency; and

“(C) to whom section 7(a) applies.

“(6) EMPLOYER.—The term ‘employer’ does not include a public agency.

“(7) OVERTIME HOURS.—The term ‘overtime hours’ when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved or in excess of 80 hours in the 2-week period involved, that are requested in advance by an employer.

“(8) REGULAR RATE.—The term ‘regular rate’ has the meaning given the term in section 7(e).”

(b) REMEDIES.—

(1) PROHIBITIONS.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(A) by inserting “(A)” after “(3)”;

(B) by adding “or” after the semicolon; and

(C) by adding at the end the following:

“(B) to violate any of the provisions of section 13A.”

(2) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(A) in subsection (c)—

(i) in the first sentence—

(I) by inserting after “7 of this Act” the following: “, or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 13A”; and

(II) by striking “wages or unpaid overtime compensation and” and inserting “wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and”;

(ii) in the second sentence, by striking “wages or overtime compensation and” and inserting “wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and”; and

(iii) in the third sentence—

(I) by inserting after “first sentence of such subsection” the following: “, or the second sentence of such subsection in the event of a violation of section 13A.”; and

(II) by striking “wages or unpaid overtime compensation under sections 6 and 7 or” and inserting “wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or”; and

(B) in subsection (e)—

(i) in the second sentence, by striking “section 6 or 7” and inserting “section 6, 7, or 13A”; and

(ii) in the fourth sentence, in paragraph (3), by striking “15(a)(4) or” and inserting “15(a)(4), a violation of section 15(a)(3)(B), or”.

(c) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to the Act by this section.

SEC. 4113. CONGRESSIONAL COVERAGE.

Section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “and section 12(c)” and inserting “section 12(c), and section 13A”; and

(B) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking “The remedy” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the remedy”; and

(B) by adding at the end the following:

“(2) BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOURS PROGRAMS.—The remedy for a violation of subsection (a) relating to

the requirements of section 13A of the Fair Labor Standards Act of 1938 shall be such remedy as would be appropriate if awarded under sections 16 and 17 of such Act (29 U.S.C. 216, 217) for such a violation.”; and

(3) in subsection (c), by striking paragraph (4).

SEC. 4114. TERMINATION.

The authority provided by this subtitle and the amendments made by this subtitle terminates 5 years after the date of enactment of this Act.

Subtitle C—Small Business Fair Labor Standards Act Exemption

SEC. 4121. ENHANCED SMALL BUSINESS EXEMPTION.

(a) IN GENERAL.—Section 3(s)(1)(A)(ii) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(s)(1)(A)(ii)) is amended by striking “\$500,000” and inserting “\$1,000,000”.

(b) EFFECT OF AMENDMENT.—The amendment made by subsection (a) shall not apply in any State that does not have in effect, or that does not subsequently enact after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007, legislation applying minimum wage and hours of work protections to workers covered by the Fair Labor Standards Act of 1938 as of the day before such date of enactment.

SEC. 4122. SCOPE OF EMPLOYMENT.

Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)), in the matter preceding paragraph (1), and section 7(a)(1) of such Act (29 U.S.C. 207(a)(1)), are amended by striking “who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce,” and inserting “who in any workweek is engaged in industrial homework subject to section 11(d) and engaged in commerce or in the production of goods for commerce, or who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce.”

Subtitle D—Small Business Paperwork Reduction

SEC. 4131. SMALL BUSINESS PAPERWORK REDUCTION.

(a) IN GENERAL.—Section 3506 of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”), is amended by adding at the end the following:

“(j)(1) In the case of a first-time violation by a small business concern of a requirement regarding the collection of information by an agency, the head of such agency shall provide that no civil fine shall be imposed on the small business concern unless, based on the particular facts and circumstances regarding the violation—

“(A) the head of the agency determines that the violation has the potential to cause serious harm to the public interest;

“(B) the head of the agency determines that failure to impose a civil fine would impede or interfere with the detection of criminal activity;

“(C) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

“(D) the violation is not corrected on or before the date that is 6 months after the date of receipt by the small business concern of notification of the violation in writing from the agency; or

“(E) except as provided in paragraph (2), the head of the agency determines that the violation presents a danger to the public health or safety.

“(2)(A) In any case in which the head of an agency determines under paragraph (1)(E) that a violation presents a danger to the

public health or safety, the head of the agency may, notwithstanding paragraph (1)(E), determine that a civil fine should not be imposed on the small business concern if the violation is corrected within 24 hours of receipt of notice in writing by the small business concern of the violation.

“(B) In determining whether to provide a small business concern with 24 hours to correct a violation under subparagraph (A), the head of the agency shall take into account all of the facts and circumstances regarding the violation, including—

“(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

“(ii) whether the small business concern has made a good faith effort to comply with applicable laws, and to remedy the violation within the shortest practicable period of time; and

“(iii) whether the small business concern has obtained a significant economic benefit from the violation.

“(C) In any case in which the head of the agency imposes a civil fine on a small business concern for a violation with respect to which this paragraph applies and does not provide the small business concern with 24 hours to correct the violation, the head of the agency shall notify Congress regarding such determination not later than 60 days after the date that the civil fine is imposed by the agency.

“(3) With respect to any agency, this subsection shall not apply to any violation by a small business concern of a requirement regarding collection of information by such agency if such small business concern previously violated any requirement regarding collection of information by such agency.

“(4) In determining if a violation is a first-time violation for purposes of this subsection, the head of an agency shall not take into account any violation of a requirement regarding collection of information by another agency.

“(5) Notwithstanding any other provision of law, no State may impose a civil penalty on a small business concern, in the case of a first-time violation by the small-business concern of a requirement regarding collection of information under Federal law, in a manner inconsistent with the provisions of this subsection.

“(6) For purposes of this subsection, the term ‘small business concern’ means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant to such section.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any violation occurring on or after January 1, 2006.

Subtitle E—Small Business Regulatory Relief

SEC. 4141. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

“(a) COMPLIANCE GUIDE.—

“(1) IN GENERAL.—For each rule for which an agency head does not make a certification under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule, and shall entitle such publications ‘small entity compliance guides’.

“(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

“(A) the posting of the guide in an easily identified location on the website of the agency; and

“(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

“(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

“(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

“(B) not later than the date on which the requirements of that rule become effective.

“(4) COMPLIANCE ACTIONS.—

“(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

“(B) EXPLANATION.—The explanation under subparagraph (A)—

“(i) shall include a description of actions needed to meet requirements to enable a small entity to know when such requirements are met; and

“(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that assist a small entity in meeting such requirements.

“(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

“(i) shall be suggestions to assist small entities; and

“(ii) shall not be additional requirements relating to the rule.

“(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities, and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting “and entitled” after “designated”.

Subtitle F—Minimum Wage Tip Credit

SEC. 4151. TIPPED WAGE FAIRNESS.

Section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended—

(1) in paragraph (2), by inserting before the period the following: “: *Provided*, That the tips shall not be included as part of the wage paid to an employee to the extent that they are excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the particular employee”;

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

(3) by striking the subsection designation and inserting “(m)(1)”; and

(4) by adding at the end of the following:

“(2) Notwithstanding any other provision of this Act, any State or political subdivision of a State which on and after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007 excludes all of a tipped employee’s tips from being considered as wages in determining if such tipped employee has been paid the applicable minimum wage rate, may not establish or enforce the minimum wage rate provisions of such law, ordinance, regulation, or order in such State or political subdivision thereof with respect to tipped employees unless such law, ordinance, regulation, or order is revised or amended to permit such employee to be paid a wage by the employee’s employer in an amount not less than an amount equal to—

“(A) the cash wage paid such employee which is required under such law, ordinance, regulation, or order on the date of enactment of such Act; and

“(B) an additional amount on account of tips received by such employee which amount is equal to the difference between such cash wage and the minimum wage rate in effect under such law, ordinance, regulation, or order or the minimum wage rate in effect under section 6, whichever is higher.”.

Subtitle G—Small Business Tax Relief

SEC. 4160. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

CHAPTER 1—PROVISIONS RELATING TO ECONOMIC STIMULUS FOR SMALL BUSINESSES

SEC. 4161. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 179 (relating to election to expense certain depreciable business assets) is amended by striking “2010” each place it appears and inserting “2011”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 4162. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

“(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

“(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

“(2) ELIGIBLE TAXPAYER.—For purposes of this subsection—

“(A) IN GENERAL.—A taxpayer is an eligible taxpayer with respect to any taxable year if—

“(i) for all prior taxable years beginning after December 31, 2004, the taxpayer (or any predecessor) met the gross receipts test of subparagraph (B), and

“(ii) the taxpayer is not subject to section 447 or 448.

“(B) GROSS RECEIPTS TEST.—A taxpayer meets the gross receipts test of this subparagraph for any prior taxable year if the average annual gross receipts of the taxpayer for the 3-taxable-year period ending with such prior taxable year does not exceed \$10,000,000. The rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence.

“(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2007, the dollar amount contained in subparagraph (B) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 2006’ for ‘calendar year 1992’ in subparagraph (B) thereof. If any amount as adjusted under this subparagraph is not a multiple of \$100,000, such amount shall be rounded to the nearest multiple of \$100,000.”.

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

“(1) IN GENERAL.—An eligible taxpayer shall not be required to use inventories under this section for a taxable year.

“(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If an eligible taxpayer does not use inventories with respect to any property for any taxable year beginning after December 31, 2005, such property shall be treated as a material or supply which is not incidental.

“(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term ‘eligible taxpayer’ has the meaning given such term by section 446(g)(2).”.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer changing the taxpayer’s method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

SEC. 4163. EXTENSION AND EXPANSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED RESTAURANT IMPROVEMENTS.

(a) EXTENSION.—

(1) IN GENERAL.—Section 168(e)(3)(E)(v) is amended by striking “2006” and inserting “2007”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2005.

(b) MODIFICATION OF TREATMENT OF QUALIFIED RESTAURANT PROPERTY AS 15-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION DEDUCTION.—

(1) TREATMENT TO INCLUDE NEW CONSTRUCTION.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

“(7) QUALIFIED RESTAURANT PROPERTY.—The term ‘qualified restaurant property’ means any section 1250 property which is a building or an improvement to a building if more than 50 percent of the building’s square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act.

CHAPTER 2—REVENUE PROVISIONS

SEC. 4171. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

“SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

“(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of \$5,000 if—

“(1) such person files what purports to be a return of a tax imposed by this title but which—

“(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

“(B) contains information that on its face indicates that the self-assessment is substantially incorrect, and

“(2) the conduct referred to in paragraph (1)—

“(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

“(B) reflects a desire to delay or impede the administration of Federal tax laws.

“(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

“(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of \$5,000.

“(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

“(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term ‘specified frivolous submission’ means a specified submission if any portion of such submission—

“(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

“(ii) reflects a desire to delay or impede the administration of Federal tax laws.

“(B) SPECIFIED SUBMISSION.—The term ‘specified submission’ means—

“(i) a request for a hearing under—

“(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

“(II) section 6330 (relating to notice and opportunity for hearing before levy), and

“(ii) an application under—

“(I) section 6159 (relating to agreements for payment of tax liability in installments),

“(II) section 7122 (relating to compromises), or

“(III) section 7811 (relating to taxpayer assistance orders).

“(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

“(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

“(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

“(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.”.

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

“(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.”.

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking “(A)” and inserting “(A)(i)”;

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

(C) by striking the period at the end of the first sentence and inserting “; or”;

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

“(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).”.

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking “under subsection (a)(3)(B)” and inserting “in writing under subsection (a)(3)(B) and states the grounds for the requested hearing”.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking “under subsection (a)(3)(B)” and inserting “in writing under subsection (a)(3)(B) and states the grounds for the requested hearing”, and

(2) in subsection (c), by striking “and (e)” and inserting “(e), and (g)”.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

“(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.”.

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

“Sec. 6702. Frivolous tax submissions.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 4172. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) IN GENERAL.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking “Any person who—” and inserting “(A) IN GENERAL.—Any person who” and

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

“(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.”.

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 is amended—

(A) by striking “\$100,000” and inserting “\$500,000”,

(B) by striking “\$500,000” and inserting “\$1,000,000”, and

(C) by striking “5 years” and inserting “10 years”.

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking “Any person” and inserting the following:

“(a) IN GENERAL.—Any person”, and

(ii) by striking “\$25,000” and inserting “\$50,000”,

(B) in the third sentence, by striking “section” and inserting “subsection”, and

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

“(b) AGGRAVATED FAILURE TO FILE.—

“(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

“(A) ‘felony’ for ‘misdemeanor’,

“(B) ‘\$500,000 (\$1,000,000’ for ‘\$25,000 (\$100,000’, and

“(C) ‘10 years’ for ‘1 year’.

“(2) FAILURE DESCRIBED.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years.”.

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking “\$100,000” and inserting “\$500,000”,

(B) by striking “\$500,000” and inserting “\$1,000,000”, and

(C) by striking “3 years” and inserting “5 years”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 4173. TAX TREATMENT OF INVERTED ENTITIES.

(a) IN GENERAL.—Section 7874 is amended—

(1) by striking “March 4, 2003” in subsection (a)(2)(B)(i) and in the matter following subsection (a)(2)(B)(iii) and inserting “March 20, 2002”,

(2) by striking “at least 60 percent” in subsection (a)(2)(B)(ii) and inserting “more than 50 percent”,

(3) by striking “80 percent” in subsection (b) and inserting “at least 80 percent”,

(4) by striking “60 percent” in subsection (b) and inserting “more than 50 percent”,

(5) by adding at the end of subsection (a)(2) the following new sentence: “Except as provided in regulations, an acquisition of properties of a domestic corporation shall not be treated as described in subparagraph (B) if none of the corporation’s stock was readily tradeable on an established securities market at any time during the 4-year period ending on the date of the acquisition.”, and

(6) by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

“(g) SPECIAL RULES APPLICABLE TO EXPATRIATED ENTITIES.—

“(1) INCREASES IN ACCURACY-RELATED PENALTIES.—In the case of any underpayment of tax of an expatriated entity—

“(A) section 6662(a) shall be applied with respect to such underpayment by substituting ‘30 percent’ for ‘20 percent’, and

“(B) if such underpayment is attributable to one or more gross valuation understatements, the increase in the rate of penalty under section 6662(h) shall be to 50 percent rather than 40 percent.

“(2) MODIFICATIONS OF LIMITATION ON INTEREST DEDUCTION.—In the case of an expatriated entity, section 163(j) shall be applied—

“(A) without regard to paragraph (2)(A)(ii) thereof, and

“(B) by substituting ‘25 percent’ for ‘50 percent’ each place it appears in paragraph (2)(B) thereof.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after March 20, 2002.

SEC. 4174. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

“SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.”.

“(a) GENERAL RULES.—For purposes of this subtitle—

“(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

“(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

“(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

“(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

“(3) EXCLUSION FOR CERTAIN GAIN.—

“(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by \$600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

“(B) COST-OF-LIVING ADJUSTMENT.—

“(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2005, the \$600,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2004’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of \$1,000, such amount shall be rounded to the next lower multiple of \$1,000.

“(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

“(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

“(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

“(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

“(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

“(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

“(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

“(iii) complies with such other requirements as the Secretary may prescribe.

“(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

“(b) ELECTION TO DEFER TAX.—

“(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property

is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

“(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

“(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

“(4) SECURITY.—

“(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

“(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

“(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

“(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

“(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) INTEREST.—For purposes of section 6601—

“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(c) COVERED EXPATRIATE.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual’s relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not

more than 5 taxable years before the date of relinquishment.

“(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

“(1) EXEMPT PROPERTY.—This section shall not apply to the following:

“(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

“(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate’s nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan’s behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) APPLICABLE PLANS.—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual’s United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen’s certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES’ INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual’s share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary’s interest in a trust is the amount of gain which would be allocable to such beneficiary’s vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

“(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) QUALIFIED TRUST.—The term ‘qualified trust’ means a trust which is described in section 7701(a)(30)(E).

“(ii) VESTED INTEREST.—The term ‘vested interest’ means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

“(iii) NONVESTED INTEREST.—The term ‘nonvested interest’ means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

“(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

“(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

“(3) DETERMINATION OF BENEFICIARIES’ INTEREST IN TRUST.—

“(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary’s interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

“(B) OTHER DETERMINATIONS.—For purposes of this section—

“(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

“(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

“(I) the methodology used to determine that taxpayer’s trust interest under this section, and

“(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary’s trust interest under this section.

“(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

“(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

“(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

“(h) IMPOSITION OF TENTATIVE TAX.—

“(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

“(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

“(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

“(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

“(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

“(1) IMPOSITION OF LIEN.—

“(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

“(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate’s income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

“(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

“(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

“(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

“(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

“(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

“(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

“(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

“(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

“(A) the gift, bequest, devise, or inheritance is—

“(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

“(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

“(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.”.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

“(49) TERMINATION OF UNITED STATES CITIZENSHIP.—

“(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual’s citizenship is treated as relinquished under section 877A(e)(3).

“(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who be-

came at birth a citizen of the United States and a citizen of another country.”.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

“(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.”.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information) is amended by adding at the end the following new paragraph:

“(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General’s delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).”.

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking “or (20)” each place it appears and inserting “(20), or (21)”.

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

“(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.”.

(2) Section 2107 is amended by adding at the end the following new subsection:

“(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.”.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

“(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.”.

(4) Section 6039G(a) is amended by inserting “or 877A” after “section 877(b)”.

(5) The second sentence of section 6039G(d) is amended by inserting “or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))” after “section 877(a)”.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

“Sec. 877A. Tax responsibilities of expatriation.”.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added

by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 4175. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term “applicable taxpayer” means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003-11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary’s delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary’s delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) APPLICABLE PENALTY.—For purposes of this section, the term “applicable penalty” means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 4176. GRANT OF TREASURY REGULATORY AUTHORITY TO ADDRESS FOREIGN TAX CREDIT TRANSACTIONS INVOLVING INAPPROPRIATE SEPARATION OF FOREIGN TAXES FROM RELATED FOREIGN INCOME.

(a) IN GENERAL.—Section 901 (relating to taxes of foreign countries and of possessions of United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

“(m) REGULATIONS.—The Secretary may prescribe regulations disallowing a credit under subsection (a) for all or a portion of any foreign tax, or allocating a foreign tax among 2 or more persons, in cases where the foreign tax is imposed on any person in respect of income of another person or in other cases involving the inappropriate separation of the foreign tax from the related foreign income.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 4177. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”, and
(2) by adding at the end the following new paragraph:

“(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

“(A) IN GENERAL.—In the case of a debt instrument which—

“(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

“(ii) provides for contingent payments, any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed rate debt instrument shall be applied as requiring that such comparable yield be determined by reference to a noncontingent fixed rate debt instrument which is convertible into stock.

“(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.”.

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

“For the treatment of contingent payment convertible debt, see section 1275(d)(2).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SA 4377. Mrs. HUTCHISON 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 end of subtitle C of title IX, add the following:

SEC. 924. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

“(15) The homeland defense mission and civil support missions of the active and reserve components of the armed forces, including the organization and capabilities required for the active and reserve components to discharge each such mission.”.

SA 4378. 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 appropriate place, insert the following:

SEC. ____ . REQUIREMENTS FOR CONTINUED DETENTION OR RELEASE OF INDIVIDUALS HELD AT GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 180 days after the date of the enactment of this Act, an alien who is detained by the Secretary of Defense at Guantanamo Bay, Cuba shall be—

(1) charged with a crime in a civilian or military court;

(2) repatriated to such alien's country of origin, unless there are substantial grounds to believe that the alien would be in danger of being subjected to torture in such country; or

(3) released to a country other than the alien's country of origin.

(b) REPORTING REGARDING FAILURE TO CHANGE OR RELEASE.—

(1) IN GENERAL.—With respect to any alien described in subsection (a) who is not charged, repatriated, or released within 180 days after the date of the enactment of this Act, the Secretary of Defense shall at that time, and every 180 days thereafter, submit to the appropriate committees of Congress a detailed report for each such alien that includes the following:

(A) The name and nationality of each alien being detained by the Secretary of Defense at Guantanamo Bay, Cuba.

(B) With respect to each alien—
(i) a detailed statement of why the alien has not been charged, repatriated, or released;

(ii) a statement of when the United States Government intends to charge, repatriate, or release the alien;

(iii) a description of the procedures to be employed by the United States Government to determine whether to charge, repatriate, or release the alien and a schedule for the employment of such procedures; and

(iv) if the Secretary of Defense has transferred or has plans to transfer the alien from the custody of the Secretary to another agency or department of the United States, a description of such transfer.

(2) FORM OF REPORTS.—Each report required by this subsection shall be submitted in an unclassified form to the maximum extent practicable and may include a classified annex, if necessary.

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

(A) the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

(c) Nothing in this section shall be construed in any way as authorizing or permitting:

(1) military commissions presently constituted under the November 13, 2001 Order of the President; or

(2) the detention of individuals had at Guantanamo Bay, Cuba.

SA 4379. Mrs. MURRAY 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 end of subtitle D of title V, add the following:

SEC. 569. IMPROVEMENTS TO EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN AMOUNT.—

(1) IN GENERAL.—Section 16131(b)(1) of title 10, United States Code, is amended—

(A) in subparagraph (A), by striking “\$251” and inserting “\$362”;

(B) in subparagraph (B), by striking “\$188” and inserting “\$272”;

(C) in subparagraph (C), by striking “\$125” and inserting “\$181”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2006, and shall apply with respect to educational assistance payable under chapter 1606 of title 10, United States Code, for months beginning on or after that date.

(3) PROHIBITION ON ADJUSTMENT FOR FISCAL YEAR 2007.—The adjustment required by section 16131(b)(2) of title 10, United States Code, for fiscal year 2007 shall not be made.

(b) DETERMINATION OF RATE OF ASSISTANCE FOR MEMBERS SUPPORTING CONTINGENCY AND OTHER OPERATIONS.—

(1) IN GENERAL.—Section 16162(c)(4) of title 10, United States Code, is amended—

(A) in subparagraph (A), by striking “but less than one continuous year” and inserting “but less in aggregate than one year”;

(B) in subparagraph (B), by striking “for one continuous year but less than two continuous years” and inserting “for more in aggregate than one year but less in aggregate than two years”;

(C) in subparagraph (C), by striking “for two continuous years or more” and inserting “in aggregate for two years or more”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2006, and shall apply with respect to educational assistance payable under chapter 1607 of title 10, United States Code, for months beginning on or after that date.

SA 4380. Mrs. MURRAY 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. AGREEMENTS ON THE PROVISION OF SERVICES TO MEMBERS OF THE ARMED FORCES MAKING THE TRANSITION TO CIVILIAN LIFE.

(a) **AGREEMENTS REQUIRED.**—The Secretary of Defense shall seek to enter into memoranda of understanding, agreements, or other appropriate arrangements with the entities and organizations referred to in subsection (b) in order to coordinate the provision of services to members of the Armed Forces making the transition to civilian life, including members of the Armed Forces being separated, discharged, or released from the Armed Forces and members of the National Guard and Reserve returning to civilian life after deployment on active duty in the Armed Forces.

(b) **ENTITIES AND ORGANIZATIONS.**—The entities and organizations referred to in this section are the following:

(1) Elements of the Department of Defense responsible for providing services described in subsection (a).

(2) Elements of the Department of Veterans Affairs responsible for providing such services.

(3) Elements of the Department of Labor responsible for providing such services.

(4) Elements of other departments and agencies of the Federal Government responsible for providing such services.

(5) Appropriate State agencies, including veterans agencies, employment services agencies, and other agencies.

(6) Veterans service organizations.

(7) Any other public or private entities or organizations that provide such services as the Secretary considers appropriate for purposes of this section.

(c) **ELEMENTS.**—The memoranda of understanding, agreements, and arrangements entered into under subsection (a) shall seek to—

(1) establish and define requirements and responsibilities for the provision of services described in subsection (a);

(2) coordinate, facilitate, and enhance the provision of such services; and

(3) establish and define short-term and long-term goals and plans for the provision of such services.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, June 27, 2006, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony relating to implementation of the Energy Policy Act provisions on enhancing oil and gas production on Federal lands in the Rocky Mountain Region.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Dick Bouts at 202-224-7545 or Sara Zecher at 202-224-8276.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, June 28, 2006 at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1812, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah; S. 1965, to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District; S. 2129, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; S. 2470, to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho; S. 2502, to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes; S. 3404, to bill to reauthorize the Mni Wiconi Rural Water Supply Project; H.R. 2383, to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the "C.W. 'Bill' Jones Pumping Plant"; and H.R. 4204, to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Nate Gentry at 202-224-2179 or Steve Waskiewicz at 202-228-6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I ask unanimous consent that the Com-

mittee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday June 20, 2006, at 10:30 a.m. in 328a, Senate Russell Office Building. The purpose of this committee hearing will be to examine the Rural Development Programs of the United States Department of Agriculture.

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

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 June 20, 2006, at 10 a.m. to conduct a hearing on "the reauthorization of the export-import bank."

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

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 the Senate on June 20, 2006, at 2:30 p.m., to conduct a hearing on "FHA: Issues for the Future."

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, June 20, 2006, at 10 a.m., to consider the nomination of Paul A. Denett to be Administrator for Federal Procurement Policy, Office of Management and Budget.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "The McCarran-Ferguson Act: Implications of Repealing the Insurers' Antitrust Exemption" on Tuesday, June 20, 2006, at 9:30 a.m., in Dirksen Senate Office Building, room 226.

Witness list

Panel I: Hon. Marc Racicot, Former Governor of Montana, President, American Insurance Institute, Washington, DC; Elinor R. Hoffman, Assistant Attorney General, Antitrust Bureau, Office of the Attorney General for the State of New York, New York, NY; Michael McRaith, Illinois Director of Insurance, Chair, Broker Activities Task Force, National Association of Insurance Commissioners, Chicago, IL; Bob Hunter, Insurance Director, Consumer Federation of American, Washington, DC; Kevin Thompson, Senior Vice President, Insurance Services Office, Jersey City, NJ; Donald C. Klawiter, Chair, Section of Antitrust Law, American Bar Association, Washington, DC.