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Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARIA CANTWELL, a Senator from the State of Washington.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, evermore creating: About us today are needs unattended and problems unsolved. Use the hearts and hands of our lawmakers to lift burdens and liberate lives. Give our Senators the wisdom that will lead them to know what must be done to make a better world. Open their ears to hear the cries of those on life's margins. Infuse them with courage to act by bringing relief and release to those who are bruised by life's storms. Whisper words of counsel to our leaders, particularly during their moments of important decisionmaking. As they seek to honor You, give them a deeper understanding of Your ways.

And, Lord, help them to do the very best they can each day, leaving the results to You.

We end this prayer by asking You to comfort those affected by the tragedy at Virginia Tech.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARIA CANTWELL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. BYRD).

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington DC, April 16, 2007.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARIA CANTWELL, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. CANTWELL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, today the Senate will conduct morning business for a period of 60 minutes, with Senators permitted to speak for up to 10 minutes each. Following morning business, the Senate will resume consideration of S. 372, the Intelligence authorization bill.

Once the Senate resumes the bill, Senator ROCKEFELLER, the majority manager, will be recognized to offer a managers' amendment on behalf of himself and Senator BOND. A cloture vote on the bill will occur this afternoon at 5:30. That will be the first vote of the week. Members have until 2:30 to file any first-degree amendments.

ORDER OF PROCEDURE

I ask unanimous consent that Members have until 5 p.m. today to file second-degree amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Also, during today's session I will move to proceed to S. 3, the prescription drug bill that was reported by the Finance Committee last evening.

I ask unanimous consent, regarding any germane and timely filed first-degree amendment under rule XXII, with respect to cloture on S. 372, that it be in order for the amendment instruction line to be modified to comport to the managers' amendment.

Before the Chair rules on my request, I make this request since we are in a situation where the managers will offer an amendment at 3 p.m., which must be filed by 2:30, the filing deadline for first-degree amendments, and Members will not have an opportunity to review the amendment prior to the time for filing their amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRAGEDY AT VIRGINIA TECH

Mr. REID. Madam President, as mentioned in the prayer by Admiral Black, today America suffered a tragedy that defies our ability to comprehend. The news out of Virginia Tech and Blacksburg is still breaking. We don't know yet all the facts except there are 22 dead, at least 28 wounded. But what we do know breaks our hearts and shakes us to our very core. For now, we can only offer our thoughts and our prayers in our individual ways.

One of my good friends is the athletic director of Virginia Tech. He formerly was the athletic director at UNLV—Jim Weaver, a wonderful man. He has done such a great job with that program. The Virginia Tech program has received such notoriety—positive in recent years because of their athletic program. They also have a great academic program.

We all pray for the students, faculty members, and the families of the Virginia Tech community and do hope for a speedy recovery of the wounded.

We pray that America can find the strength, which we will find, to overcome our grief and outrage as we face yet another tragedy.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I think it would be appropriate, Madam President, if the distinguished Republican leader wishes to say something about this tragedy, that after he does, I ask for a moment of silence for the faculty, the students, the administration, and everyone in Virginia Tech—and our country, really. A moment of silence.

Does the Senator wish to speak?

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

TRAGEDY AT VIRGINIA TECH

Mr. MCCONNELL. Madam President, let me just, on this side of the aisle, offer my condolences for this unspeakable tragedy to which the majority leader has been referring and join him in calling for a moment of silence.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

JACKIE ROBINSON

Mr. REID. Madam President, in July of 1944, 11 years before Rosa Parks became the mother of the civil rights movement, an African-American second lieutenant of the U.S. Navy was court-martialed on charges of insubordination for refusing to move to the back of a segregated military bus. Three years later, and 60 years ago yesterday, that second lieutenant was insubordinate to bigotry once again—this time by breaking Major League Baseball's color barrier. His name was Jackie Robinson.

When Dodgers owner Branch Ricky brought Jackie Robinson to the Major Leagues, many asked: Why Jackie Robinson? After all, the Negro League was filled with talented players from whom to choose. Many were much younger than Jackie Robinson; some, perhaps, even better athletes. The answer, of course, was integrity, character.

Branch Ricky knew that this trailblazing ballplayer would have to be both an athlete and a role model—a role model for African Americans and for all Americans—and no one was better suited to that great challenge than Jackie Robinson.

When Jackie Robinson crossed the chalk lines at Ebbitt's Field that day, he carried the weight of a nation along with him. On one shoulder were the catcalls, obscene gestures, and even threats from fans, opposing players, and even some of his own teammates. But on the other shoulder were the dreams of Blacks, and all Americans, that our country could one day fulfill its destiny of equality in deeds and not just in words.

Jackie's career accomplishments alone would have been enough to earn our admiration: Rookie of the Year, 6 All-Star games, Most Valuable Player Award, and a World Series championship.

Yesterday, I was visiting my daughter, and especially my grandchildren, here in the Washington, DC, area. I have three grandchildren here. My 16-year-old grandchild, Mattie, was going to have to give a talk to a group of young people. She said she only needed to talk for a couple of minutes. What could she talk about?

I said: Mattie, why don't you talk about Jackie Robinson? Tell them what a great athlete he was. But he isn't known today because he was a great athlete and stole home more than any other baseball player and did all the great things athletically; he is famous today because of his integrity. So that is what Mattie spoke to her friends about.

Jackie Robinson is now a legend. He taught a generation of African-American children that they, too, must be, on occasion, insubordinate to injustice whenever they find it, whether on a bus or on a ballfield or in a board room. Sixty years later that lesson still rings true, from Brooklyn to Los Angeles and every town and city in between.

America is a better place because of the integrity of Jackie Robinson.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. MCCONNELL. Madam President, when I was a youngster, I became a fan of the Brooklyn Dodgers for two reasons. One was because of Jackie Robinson. The distinguished majority leader was just referring to his history-making appearance in a Major League uniform for the first time. The other was for a Louisville teammate of his named Pee Wee Reese. He was the one who made, really, a kind of public display of welcoming Robinson amid some of the boos and catcalls he got in the early games when he first played.

Reese went over and put his hand on Jackie Robinson's shoulder. Since he was from the South, I think it was an indication that Robinson was certainly going to be accepted by his teammates and by the rest of the league shortly thereafter and certainly ought to be accepted by the fans as well.

It was a period during which the character of people was being measured; the character of Jackie Robinson in being willing to take on this challenge and tear down this barrier for the first time in American history, and the character of those with whom he was going to be playing. Would they accept him or would they not?

It was a great Kentuckian, Pee Wee Reese, who made it clear that Jackie Robinson was going to be accepted. It was the beginning of a great thing that our country did and, of course, was a breakthrough for many of the subsequent developments that occurred over the years in improving race relations in our country. We are proud to honor the memory of Jackie Robinson.

HONORING OUR ARMED FORCES

SPECIALIST MICHAEL R. HAYES

Mr. MCCONNELL. Madam President, our Nation owes a debt of gratitude to the brave men and women who fight to preserve it, a debt so great that a tribute befitting their sacrifice may well lie beyond our power to express it. Nevertheless, I ask the Senate to pause today in loving memory of SPC Michael R. Hayes of Morgantown, KY. He was 29 years old.

Specialist Hayes of the Kentucky National Guard died in support of Operation Iraqi Freedom on June 14, 2005, when a rocket-propelled grenade struck his humvee while he was securing a roadside bomb site in Baghdad.

Earlier that year, he had served valiantly in a brutal 30-minute firefight in which 10 guardsmen fought off dozens of Iraqi attackers, killing 26 anti-American fighters.

For his actions as a guardsman, Specialist Hayes earned several medals and awards, including the Bronze Star and the Purple Heart.

It is certainly sad but perhaps fitting that Mike would be taken from us while helping his fellow soldiers. Helping others was one of the defining features of Michael Hayes' life.

When Mike wasn't yet 5 years old, he was joined by his little brother, Jamie. Soon after returning home from the hospital, his mother, Barkley Hayes, heard newborn Jamie crying in his crib.

Before she could get to him, however, Mike met her in the hallway, Jamie in his arms, saying, ''Mommy, help him to stop crying!''

Mike continued to look after Jamie and younger sister Melissa when all three served in the Guard's 617th Military Police Company and were stationed in Iraq at the same time. His loving relationship with his family was something Mike cherished.

Mike was also part of another family, his soccer family. David Hocker, a friend that Mike was close to, described Mike's love for the game succinctly: ''I have never in my life met anyone who loved soccer more than that man.''

Mike was a member of the inaugural soccer team during his sophomore year at Greenwood High School in Bowling Green, KY, where he was born and raised. A leader on and off the field, he helped solidify the fledgling program.

He wasn't a bad player, either. Mike earned All-Region and Player of the Year honors at Greenwood, and to this day remains the first and only member of the school's Athletics Hall of Fame.

According to his coach, Todd Tolbert, Mike was the kind of player that made a coach's job easier. Coach Tolbert wanted his other players to watch and emulate his dedication, effort and sportsmanship. In the words of Coach Tolbert, Mike ''reached as far as he could reach, and got there. ''

His determination and leadership, Coach Tolbert recalls, helped establish Greenwood soccer's reputation among

the students and throughout the region.

After graduation, Mike stayed with the soccer program as an assistant coach. Not only did he serve as a role model for the younger players, he also gained valuable coaching experience that could help him reach his goal of becoming a college soccer coach.

Mike did all of that on top of attending Western Kentucky University and graduating with a degree from the Kentucky Advanced Technology Institute.

During this time, Mike learned that nearby Butler County High School was preparing to start a girls' soccer program. Mike jumped at the opportunity to become their first ever head coach.

The impact that Mike had on the players at Butler County High, and that they had on him, is hard to overstate. One of his players, a young lady named Tina Laverack, described him this way:

''He never gave up on any of us,'' she said. ''He thought we all had potential in anything. . . I think everyone should have had the chance to meet him; they would have loved him.''

Mike's friend David Hocker recalled that ''If a girl wanted to work extra, he'd come in early or stay late. He spent his own money, buying food for the team or taking them someplace for team building.''

Mike's brother Jamie told the Butler County players at Mike's funeral, ''He talked about you guys in his down time more than you guys will ever know.''

Mike's commitment to his players knew no bounds. On what would be his last trip home, he spent 12 of his 15 days playing soccer with them.

And Mike's influence in his players' lives extended far beyond the soccer field. On more than one occasion, he intervened to help a player be removed from a troubled home or beat an addiction problem.

The night before leaving for Iraq, Mike sat down with his players, addressing them as his ''ladies,'' like always. He told them he was going to Iraq because he wanted his players to be able to walk out onto the soccer field and not be afraid.

Specialist Hayes joined the Guard in 2002 and completed more than 135 missions, including over 30 actions with the enemy, during his service. MG Donald Storm, Kentucky's adjutant general, said he ''epitomized what it means to be a citizen-soldier.''

CPT Todd Lindner, commander of the 617th Military Police Company, called Specialist Hayes ''the consummate soldier, always in the right place doing the right thing.''

When the battles were over, Mike enjoyed playing soccer and baseball with Iraqi children during his down time. He would bring them Cokes, chips and candy. It has even been suggested that with time, he might have started a soccer program for Iraqi children.

Soon before he left Kentucky for Iraq for the last time, a friend asked Mike in confidence if he thought we really ought to be involved over there. Mike told his friend of the women he saw wearing colorful clothes and no veil, smiling as they walked down the street.

He recounted watching young children running to school with pencils and paper and big smiles. ''Yes,'' he told his friend unequivocally. ''We're doing good there.''

Although Specialist Hayes can no longer be with us, or his beloved family, he is loved and remembered by his mother Barkley, his brother Jamie, his sister Melissa Stewart, his nieces Charlotte Stewart and Jocelyn Hayes, and other beloved family members.

I want to thank his mother Barkley for sharing her memories of Michael with us, and for traveling to the Capitol to meet with me today.

Specialist Hayes struck everyone he met with his selflessness, dedication, and devotion to helping others.

Although he is gone, the example he set for others won't be forgotten. Not by his family. Not by his fellow soldiers. And not by the young children he taught to play his favorite game, whether in the rural bluegrass of Kentucky or the desert sands of Iraq.

I ask my colleagues to keep the family of SPC Michael R. Hayes in their thoughts and prayers. I know they will be in mine.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Oregon is recognized.

ORDER OF PROCEDURE

Mr. WYDEN. Madam President, I ask unanimous consent to speak in morning business for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, would the Senator yield to me for a unanimous consent request?

Mr. WYDEN. I would be glad to yield.

MEDICARE PRESCRIPTION DRUG PRICE NEGOTIATION ACT OF 2007—MOTION TO PROCEED

Mr. REID. I ask unanimous consent that upon disposition of S. 372, the Senate proceed to the consideration of Calendar No. 118, S. 3, the prescription drug legislation.

Mr. MCCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

CLOTURE MOTION

Mr. REID. Madam President, I now move to proceed to S. 3 and send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 118, S. 3, Prescription Drugs.

Dick Durbin, Amy Klobuchar, Ken Salazar, Edward Kennedy, Mark Pryor, Blanche L. Lincoln, Daniel K. Inouye, Byron L. Dorgan, Chuck Schumer, Max Baucus, Kent Conrad, Jeff Bingaman, John F. Kerry, Ron Wyden, Debbie Stabenow, Jay Rockefeller, Maria Cantwell, Harry Reid.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum call required under rule XXII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion to proceed.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

The Senator from Oregon is recognized.

VIRGINIA TECH MASSACRE

Mr. WYDEN. Madam President, the Virginia Tech community is grieving this afternoon, and our country grieves with them. To see so many young people taken from us with their lives ahead of them is an unspeakable horror, one that words simply cannot capture.

Oregonians saw a horrible school shooting in 1998, and I know that across my State, Oregonians this afternoon are sending their prayers to the Virginia Tech community. I join with those Oregonians in sending our prayers to the Virginia Tech family, and on behalf of the people of my State, I want those at Virginia Tech to know they are in our hearts and minds at this critical hour and during this time of unspeakable tragedy.

(The remarks of Mr. WYDEN pertaining to the introduction of S. IIII are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. WEBB). The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

TAX REFORM

Mr. CORNYN. Mr. President, I thank the Senator from Oregon. I walked in on the tail end of his remarks, but he

and I are going to be on a consistent theme today, and that is, the importance of tax reform. I look forward to reviewing his proposal because we are all on the same side.

The current IRS Code is broken. We, the Congress, need to fix it.

This last weekend, I was at a small business in Dallas, TX, called the Manda Machine Company. This small employer employs about 20 people in the Dallas area. We talked about the burdens on small businesses that make it harder for them to create jobs. In particular, we talked about the IRS Code and the importance to make it fairer, simpler, and flatter.

Common sense also tells us we need to make the IRS Code a whole lot more transparent; in other words, ''readily understood,'' ''clear,'' ''easily detected'' or ''perfectly evident,'' which is the dictionary definition of ''transparent.'' But according to that definition, it is clear the IRS Code fails the transparency test.

Now, I believe we ought to continue to let in a little bit more sunshine in how the Government operates and how the people's money is being spent. I think we also need to add a little bit of sunshine to how the Federal Government taxes the American people. The Federal Government should not be playing a game of ''gotcha'' with the owners of the American Government; and that is, we the people.

For example, the vast majority of Americans now require professional assistance to help fill out tax documents. Why it is the Code is so complex is simply beyond me. Even taxpayers who want to try to figure out how to do the right thing have a hard time doing it on their own and require the assistance of lawyers and accountants to try to figure out how to comply with the law. Six out of every 10 taxpayers in America today require the help of an outside expert to figure out how to do their duty when it comes to paying taxes.

Families and entrepreneurs alike spend billions of dollars and thousands of hours trying to figure out how to comply with the IRS Code. In fact, it is estimated taxpayers in America will spend 6 billion hours complying with the IRS Code at an estimated compliance cost of $265 billion. This has more than doubled in just over the past 10 years, and estimates are it will continue to increase at a faster rate in the future. This is a statistic that is staggering.

The number of pages in the Federal tax rules has exploded by more than 50 percent in the last decade alone. In fact, since the last major reform effort in 1986, there have been more than 14,000 changes to the IRS Code. The Federal Government and Congress in particular should not be in the business of picking winners and losers when it comes to taxpayers in this country. But that is what an exceedingly complex IRS Code does. It provides exemptions, credits to a variety of different taxpayers under a variety of different circumstances, picking winners and losers in the process. That is not what the IRS Code should be doing.

Changes, we all know, are long overdue. There can be no doubt the IRS Code and accompanying forms are burdensome, onerous, and unduly complicated. The complicated system comes at a cost. Every year, the National Taxpayer Advocate highlights this complexity in one way or another as one of the top 10 problems that taxpayers face when trying to figure out how to comply with the law.

The IRS Code, as I indicated a moment ago, is full of special interest loopholes. With every year that passes, American taxpayers spend more and more time to try to figure out how to comply with these burdensome provisions. Taxpayers will also work longer this year to pay for the government—a total of 120 days of their income will be used to fund the government. In other words, Tax Freedom Day will not come until the end of April. That means for the first 120 days of the year we all work for Uncle Sam, and then we get to the fruits of our labor thereafter, where we get to keep it, use it on our families, or save it, however we may see fit.

But this year, taxpayers will work longer to pay for Government than they will work to provide for food, housing, and clothing combined, which is 105 days, for those three essentials of life—food, housing, and clothing.

Taxpayers will work longer to pay their Federal taxes—79 days—than they will work to pay for housing, which is roughly 62 days. For health and medical care, the estimate is, it takes 52 days to work to provide for those essentials. Transportation is 30 days, and clothing is 13 days.

Whatever our tax system, be it a flat tax, sales tax, or income tax, it ought to be based on three fundamental ideas: simplicity, fairness, and transparency. I think these simple ideas should be our guide in reforming and simplifying our tax laws.

While comprehensive tax reform may not be right around the corner, the last thing we should do is to raise taxes on families and entrepreneurs and let the tax relief Congress passed in 2001 and 2003 expire. So until we come to the time that we can actually simplify and make the IRS Code fairer, the last thing we ought to do is raise taxes on the American people.

But the truth is that is what the new majority in Congress, elected last November, decided to do a month ago. The Senate passed a 5-year budget, with Democrats carrying the day, that effectively raises taxes, over the next 5 years, by over $700 billion. Unfortunately, this is the kind of tax increase that is the most odious and the most regrettable because it will not even require Members of Congress to come on the floor and vote for the tax increase so they can then be held accountable at the polls.

Instead, what Democrats have chosen to do is to have silent tax increases so that when the tax relief that was passed in 2001 and 2003 expires, we will see taxes go up higher than they ever have before at one time in our Nation's history.

I guess it is not good enough that those who are in the top 40 percent pay 99.1 percent of all income taxes, and that in 2004, the top 10 percent paid 70.8 percent of all income tax—an increase from their share of 48.1 percent in 1979.

Instead, Democrats in Congress want to see everybody end up paying more. If this trend continues—in a perverse way, the only way Democrats will be able to pay for their plans to grow the Federal Government is for the rich to grow richer.

Instead of raising taxes, we should make the President's tax relief passed by a majority of Congress a permanent part of the IRS Code. If Congress fails to make the tax relief permanent that has been the driving force in the economy, helping to create 7.9 million new jobs since August 2003—if Congress fails to make this tax relief permanent, a family of 4 making $65,000 a year would see their tax bill increase by 58 percent. Small businesses that file as individuals would see their taxes increase by 13 percent. Things such as the $1,000 child tax, relief from the marriage tax penalty, and the new low 10-percent tax bracket put money back into the pockets of working parents, while small business expensing and dividend and capital gains tax relief have helped America's entrepreneurs expand their businesses and create jobs.

Then there is perhaps the ugliest tax of all, which is the death tax. This is double taxation, because we all know we pay taxes on income as earned. But the death tax, set to rear its ugly head in 2011, will hit family businesses, farmers, and ranchers alike, forcing many to sell their farm to pay the IRS. Death should not be a taxable event.

The numbers speak for themselves in terms of the progrowth, low-tax policies: 21 consecutive quarters of growth, unemployment at historic lows—4.4 percent—and 7.9 million new jobs over the past 3½ years.

We should remember the words of former Chief Justice John Marshall, who said:

> The power to tax is the power to destroy.

The last thing we should do is to destroy this great economy, which is literally the goose that has laid all of the golden eggs.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

MEMORIAL TRIBUTE TO BETTY BURGER

Mr. GRASSLEY. Mr. President, today I pay tribute to Betty Burger, a remarkable public servant and extraordinarily devoted congressional staffer. Betty died on Saturday at the age of 87. Betty was my chief caseworker and my oldest and longest serving staff person. She was still on the payroll as of Saturday.

Although I am deeply saddened by her departure, it brings me comfort to know this devoted mother, grandmother, and great-grandmother slipped peacefully into the hands of her Maker.

It is fitting that Betty's loved ones kept vigil at her bedside. For nearly 40 years, Betty Burger kept vigil for the people of Iowa. She started on Capitol Hill working for Iowa Representative Fred Schwengel. After Congressman Schwengel left office, she worked for an Illinois Congressman by the name of Hanrahan for 2 years. Then she wanted to work for an Iowa Congressman again, and she joined my staff on my first day on the job in Washington after I was elected to the House of Representatives in 1974. Since then, for the last 32 years, Betty has worked as a congressional staffer for the people of Iowa.

If Congress needed any rationale for eliminating mandatory retirement age in 1986, Betty Burger is that example. As my chief caseworker, Betty earned a lifetime of experience on the job mastering the ins and outs of the Federal bureaucracy. Her countless contacts within Federal agencies put a face on the so-called faceless bureaucracy. No one knew how to cut through redtape more swiftly and surely. Betty was a masterful detective the way she tracked down disability claims and benefit errors at the Social Security Administration. She decoded the maze of paperwork at the Veterans Affairs Department, and navigated Byzantine immigration rules for constituents struggling with citizenship, employment status, and deportation issues. Betty Burger knew how to cut to the chase at the State Department for Iowans who were traveling, working, or studying abroad.

Most of Iowa's 2.9 million residents didn't know Betty Burger personally, but I want them to understand how this dedicated public servant made a difference for Iowans. Betty did her job for them with remarkable efficiency, tenacity, and integrity. I heard firsthand gratitude about Betty's work from individual Iowans nearly every time I went home and held town meetings. Betty also touched the lives of Iowans and their families through her work to nominate outstanding young people to our Nation's service academies. She would always talk about what a great group we had this year. Let me tell my colleagues something about Betty. We always had a great group of academy nominees as far as Betty was concerned. These young high school kids and their parents had several conversations with Betty as they maneuvered through the nomination process. They were an inspiration to her and she knew with good young people in her academies, such as the ones she helped nominate, our country from a national security standpoint would be left in good hands.

In my office, Betty served as a role model for young staffers and seasoned colleagues alike. Her work ethic taught others to keep one's nose to the grindstone. Her professional attire taught others appearances do make a positive impression in the workplace. Her sharp-witted humor elicited laughter and taught us we could count on Betty to put a smile on everybody's face. Her uncanny grasp of cultural trends and current events taught others how to embrace aging and use one's work and life experiences for the greater good.

I can't talk about Betty without making it clear she was a fiercely loyal and proud Republican. She modeled compassionate conservatism each and every day she helped an Iowan. Day in and day out, Betty untangled a knot at a Federal agency for those who may have felt at the end of their rope trying to get an answer.

I often tell Iowans that representative government is a two-way street. Well, Betty Burger lived and breathed the spirit of representative government. She was the capable, no-nonsense person on the other end of the phone who brought thousands upon thousands of Iowans hope and peace of mind. She paved the street between Iowans and the Federal agencies from which they required service.

As her boss, I owe Betty a debt of gratitude for her tireless commitment, unwavering loyalty to this country, to the people of Iowa, and to me. As Iowa's senior Senator, I place a premium on constituent service. Betty understood this as well as anyone and exceeded my expectations.

As her friend, Barbara and I extend our heartfelt sympathies to Betty's family and the loved ones she leaves behind. As they remember their beloved mother, grandmother, sister, aunt, friend, and neighbor, please know we will dearly miss this classy and spirited Iowan who became part of our family during her honorable tenure—a lifetime—on Capitol Hill.

In the last four decades, many Iowans have felt touched by a guardian angel when Betty worked her magic on their behalf. May God's blessings continue to shine upon this guardian angel from Fairfield, IA, as she rests in peace alongside her husband John.

If I could give some advice to my colleagues, I last saw Betty in early January. If we hadn't been in session in early January of this year, probably the last time I would have seen her would have been before Christmas.

Betty got sick about that time and was going to the doctor. We were keeping in touch with her by phone but always waiting for her to get better and come back to work. Then, all of a sudden, she got very weak. We actually thought she would come back to work, but she got weak and then suddenly died.

My advice to colleagues would be this: I didn't get to see her since that last time she was in my office in January. Don't make the mistake I did. I should have been there by her bedside sometime during the period of her last week in hospice. I am sorry I wasn't. To my colleagues, take a lesson from me: When people are sick, see them. They may not come back to the office as you expect.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the remaining time for morning business be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is closed.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 372, which the clerk will report.

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

Mr. ROCKEFELLER. Mr. President, first, let me express my disappointment that we are here under these circumstances. This is not the way we should be handling this important national security legislation.

The fiscal year 2007 Intelligence authorization bill should have been considered by the Senate, in fact, 7 months ago when it was reported unanimously by the Intelligence Committee. That is usually the way things are meant to work. For reasons that are still not clear to me, it was never brought before the Senate.

Because of the importance of this legislation, Vice Chairman BOND and I made the Intelligence bill the first order of business this January when the new Congress convened. We hoped the Senate could act swiftly on the bill so we could move to the conference with the House, but an anonymous hold on the other side prevented us from bringing up the bill and passing it by unanimous consent. Again, I am not

clear what the reason for that might have been, but it was discouraging to us and, in any event, it precluded our taking any action whatsoever.

Fortunately, Senator REID understands how important this legislation is. So last week he attempted to call up the bill. But even that simple motion to proceed to the bill was blocked, forcing the Senate to invoke cloture by a vote of 94 in favor and 3 against.

The Senate, after 7 months of delay, is finally considering the legislation that sets the policy framework for the Nation's intelligence efforts, but because of the inordinate number of obstacles put in the path of the bill to date, the majority leader has been forced to file a motion to invoke cloture on this legislation. I agree with him that this is the only way to force the Senate to finally do its job and pass this very important bill. It is unfortunate, but it has to happen. This is national security legislation.

I strongly encourage all of my colleagues to support cloture so that we can move this bill forward to a conference with the House. I know I am joined by my colleague, the vice chairman. I understand that some, both in the Senate and in the administration, have expressed concern with a number of the provisions of the bill. The Office of Management and Budget issued a Statement of Administration Policy last Thursday including a veto threat, and unfortunately that statement ignored several important developments and several changes Vice Chairman BOND and I have proposed in a managers' amendment, which I am going to talk about briefly.

The administration complains about the magnitude of the fences and other restrictions contained in the classified annex to the bill. They ignore the fact that the classified annex was drafted last September with a view to having it in full effect for the full fiscal year. Vice Chairman BOND and I decided in January that the best approach to achieve swift passage was to simply bring up and pass the bill as it had been reported unanimously last year.

We have always known that many of these provisions have become outdated or have been overtaken by events. Of course, they will be adjusted, or perhaps dropped, when we go to conference. We have no intention of fencing 50 percent of a program with only 4 or 5 months left in this year. Please give us some credit.

Perhaps the more important omission in the OMB statement is the effort that Vice Chairman BOND and I have made to address, through a managers' amendment, many of the administration's specific concerns with those legislative provisions. I will run through these provisions quickly.

As reported by the committee, the bill requires two actions related to the public disclosure of intelligence budgets. First, it requires the public release of an overall budget request authorization and appropriation, the so-called top line, one number for all intelligence spending.

The second action is a study and report by the Director of National Intelligence on whether the top line for each intelligence community element; that is, the CIA, NSA, et cetera, can always be declassified without harming national security. This was a recommendation, in fact, of the 9/11 Commission.

The managers' amendment; that is, the amendment by Senator BOND and myself, struck that requirement for a study and a report on the agency-level declassification. The study and report alarmed some who believed that declassification itself would cause no harm but worry that it could lead to a ''slippery slope'' of revealing too much information.

The managers' amendment returns the bill language to the specific stated objective; that is, the declassification of the overall national intelligence budget. This is something the Senate has voted for twice in the last 2½ years, including last month when it passed S. 4.

This concurrent version of the authorization bill includes another provision that has passed the Senate twice but which concerns the administration and some of our colleagues. That provision in section 108 provides additional authority for congressional committees, including the Intelligence Committees of both the House and Senate, to obtain intelligence documents and information.

The managers' amendment modifies section 108 in three ways. First, it doubles the amount of time the administration will have to respond to these priority requests from 15 to 30 days.

Second, section 108 currently applies to requests from any committee—any committee—that has jurisdiction over any part of intelligence, not just the Intelligence Committees of full jurisdiction in the House and Senate. This amendment will limit the provision to requests from the Intelligence Committees.

Third, it would make clear the Intelligence Committee could specify a greater number of days than 30 for intelligence community responses. We are not unreasonable people, and if more time is needed, we would, obviously, want to be helpful.

Let me be clear to my colleagues on other committees with jurisdiction that touches on intelligence matters, because some of them are sensitive about this issue. These changes will in no way limit their ability to ask for and receive intelligence-related information. In fact, any Senator can ask for such information.

The amendment sets up an expedited procedure available to the Intelligence Committees, but it does not change existing relations or procedures for obtaining such information for other committees. That should be of comfort. If another committee were to encounter difficulty in obtaining intelligence information, they could easily ask the intelligence community to request the information under this expedited procedure. It sounds wordy; in fact, it is very easy. I think this is a sensible modification to alleviate the concern that the Intelligence Committee would be overwhelmed with requests requiring short turnaround times. Vice Chairman BOND and I are sensitive to that concern and modified the matter.

A second provision of the bill dealing with the provision of information to Congress is section 304. That section tightens up the requirement for the President to fully inform the Intelligence Committees about intelligence activities, including covert actions. Section 304, as reported, requires if the President does not inform all members of the committee about intelligence activity, the DNI must provide all members with a summary with sufficient information to permit members to assess the legality, benefits, cost, and advisability of these activities. This is on a case-by-case basis.

There was a discussion of this provision during our markup, and the administration has objected that this requirement is too detailed. The managers' amendment seeks to resolve that objection by providing instead that the DNI submit a classified notice with ''a description that provides the main features of the intelligence activities.'' This standard is sufficiently broad to allow the notification of members, but at the same time protects sensitive sources and methods or ongoing operations.

Section 310 of this bill, as reported, would establish a pilot program on access by the intelligence community to information protected by the Privacy Act. This provision was controversial and several members expressed reservations. We subsequently learned the administration is no longer seeking this authority, so the managers' amendment strikes section 310 from the bill.

Finally, the managers' amendment modifies one of the reporting requirements included in the bill. Section 314 requires a classified report from the Director of National Intelligence about clandestine prisons. One part of that provision called for reporting on the location of any clandestine detention facility. Vice Chairman BOND and I agreed this particular information was of such sensitivity it should not be included in this report. The managers' amendment strikes that one requirement.

Mr. President, might I ask before calling up the managers' amendment, does the distinguished vice chairman wish to speak?

Mr. President, will the vice chairman have adequate time to speak?

Mr. BOND. Mr. President, if the chairman wishes to offer the amendment, I will be happy for him to do that. I will talk as long or short as I have the opportunity.

The PRESIDING OFFICER. There is no time limit on the bill at this point.

AMENDMENT NO. 843

Mr. ROCKEFELLER. Mr. President, I offer the managers' amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself and Mr. BOND, proposes an amendment numbered 843.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. ROCKEFELLER. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am very pleased to join my distinguished colleague, the chairman of the Intelligence Committee, Senator ROCKEFELLER, in not only bringing before this body the Intelligence authorization bill, S. 372, but also offering the managers' amendment. This is an important first step for the Senate to return to and enhance its responsibilities of coordinating oversight and conducting aggressive oversight of intelligence activities and programs.

The committee has not been able to pass an authorization bill in the last 2 years, which means the work that has gone on in the committee cannot be reflected in guidance to the committee or in carrying out our oversight responsibilities.

Some Members may recall, others have been informed, that 30 years ago the Senate Select Committee on Intelligence was formed to address a serious problem. There had been a complete lack of congressional oversight of U.S. intelligence operations. Then when we reviewed the attacks of September 11, the findings of our committee and the findings of the 9/11 Commission confirmed that congressional oversight of intelligence was not what it should be.

We firmly believe that enacting S. 372 will move us a long way in restoring the Senate's legitimate role in oversight of U.S. intelligence. I believe we must be in a position where we can assure our colleagues and the people of the United States that the intelligence activities necessarily conducted in secret do comply with the Constitution, the treaties and the laws of the United States and other mandates and limitations placed on the exercise of that secret power.

Make no mistake about it, intelligence in this global war on terror, which has been declared on us by al-Qaida and other Islamic groups, is one that can only be countered with effective intelligence. Intelligence is the most important weapon we have in keeping our homeland safe and protecting U.S. interests and citizens abroad. We need to make sure it is done properly. We need to make sure it is done effectively.

Having studied the intelligence community and having gone through exhaustive reviews over the last 4 years of shortcomings pointed out in the intelligence community operations, we believe we can work with the intelligence community and provide necessary legislative support to ensure that the intelligence activities not only are staying within the road lines—staying on the road in the path—but also being carried out effectively. That is why we feel it is tremendously important we pass this legislation.

The chairman has pointed out there are concerns that have been voiced by the administration about this bill. To be candid, there are some provisions in the bill I do not favor or at least question. I hope in the amendment process and in the House-Senate conference we can develop a good bill that will be signed into law. But it is important to remember—and my colleagues who have expressed concerns particularly about the administration's objections should know—that what has been outlined by the chairman in the managers' amendment begins to deal with the major questions they have. The chairman and I have agreed it makes sense, for example, to declassify the top line number of the intelligence budget.

I have talked with leaders in the intelligence community and I said: Does that cause you any problems? They said: No. It is only when you get below that. Were you to go down the slippery slope of disclosing amounts going into particular units or particular programs of the intelligence community, you give away vital secrets.

This body has twice gone on record and was stated by the chairman and the 9/11 Commission has recommended disclosing the overall number so that the people of America will know whether we are continuing to support the intelligence community adequately, whether we are supporting it with the kinds of resources needed.

In our managers' amendment, we took out a study that would purport to look at the possibility of declassifying further details, other than the top line. We both agreed that should be out. The administration also was concerned about identifying certain sites, and we agreed, and in our managers' amendment we will take out any reference or any requirement of identifying those certain sites. The administration also was concerned about the number of people, the manner of informing members of the committee about certain activities that were highly classified. We are working to remedy that. The administration also had concerns about getting reports filed, the potential for a large number of requests being dumped on the intelligence community, and we have dealt with that.

So there are other items the administration has concerns about, and we may be able to address some of those here. We may be able to address some of those when we get to conference, if they still are not properly solved. But I would say one thing. The administration, like every administration, sometimes feels that congressional oversight goes further than they would like. Well, our job is to conduct oversight, and we do so with an aim of improving intelligence, the products that come out, and also ensuring that procedures are properly contained within the rules of the road, and we will continue to seek those legislative oversight tools.

We are going to accommodate the reasonable concerns of the Executive in every instance that we can because we want to make sure we don't, either by overt or inadvertent action, compromise intelligence sources, intelligence methods, or other essential intelligence programs that are necessary for the safety of our homeland and the safety of our troops in the field.

In addition to the measures contained in the managers' amendment, I have filed nine amendments, some of which overlap with the managers' amendment that we can discuss on the Senate floor. Some of these may be necessary to ameliorate and alleviate the administration's concerns. We were disadvantaged in filing this managers' amendment because the time that we had to do it was the time when most Members were out of Washington, DC, in their home State, which has led to some confusion.

I hope everybody who had a first-degree amendment that they wanted filed was able to file it by 2:30. We hope we will be able to deal with those amendments, and also we look forward to a good, robust debate on the floor of the Senate.

I hope we will have ready a description, at least for our side, of the provisions in the managers' amendment. Most of the concerns I have heard about this bill are concerns that should be alleviated by the managers' amendment, so I would ask all of my colleagues to read carefully the provisions in the managers' amendment to ensure that we have resolved those concerns.

In addition, Senator ROCKEFELLER and I are always willing to discuss with colleagues, in this unclassified setting, the unclassified portions and our reasoning for it. Our invitation to Members still stands; that if Members want to be briefed on classified portions of the intelligence bill or on matters that cannot be discussed on the Senate floor, we stand ready with our staffs to have briefings set up in the intelligence facilities to fill them in on questions that they may legitimately have.

We will look forward to conducting the debate in the time ahead.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MOVING AMERICA FORWARD

Mr. REID. Mr. President, my distinguished counterpart, the Senator from

Kentucky, Senator MCCONNELL, held a press conference at 2:30, talking about what the Senate has not accomplished this year. I, of course, am very disappointed in that because I thought we had done a lot. I believe we have produced.

The minority talk a lot about their desire to see this Congress pass meaningful legislation. They talk a lot about supporting our troops. We have heard a lot from them about the need to defeat terrorists and make the country more secure. Their actions do not match their rhetoric. In far too many instances, our Republican colleagues say one thing and do another.

Last week, the 110th Congress reached its 100th day. In that time, the Senate has passed a series of bills that would move our country forward. With bipartisan support, we passed the toughest lobbying ethics reform legislation in the entire history of our country. With bipartisan support, we voted to give working Americans a much deserved and long overdue raise in the minimum wage. With bipartisan support, we passed a continuing resolution that enacted tough spending limits and eliminated earmarks for this year. With bipartisan support, we passed every single recommendation of the 9/11 Commission, after it languished in the Republican-controlled Congress for 2½ years. With bipartisan support, we passed a responsible, balanced, pay-as-you-go budget that reduces taxes for working Americans and invests more in education, veterans, and health care. With bipartisan support, we passed legislation that would fully fund our troops while forcing the President to change course in Iraq. And, last week, with bipartisan support, once again, we passed legislation to open the promise of stem cell research in a responsible and ethical way.

The American people want Congress to put petty bickering aside. This is exactly what I believe this Congress has done. It has not been easy. My Republican colleagues have, time and time again, allowed a small minority in their caucus to block progress that the American people, and a bipartisan majority of the Senate, demand. On every piece of legislation I mentioned, we have had to file cloture.

Sadly, on the most important issue facing our country, national security, this has been especially apparent. The minority forced us to come up with 60 votes to pass the 9/11 Commission recommendations. They required the same for the Iraq supplemental bill.

Now it appears this same group of Republicans will attempt to block passage of the Intelligence Authorization bill, the bill they wrote when they were in the majority but failed to pass for 2 years. As everyone knows, the Intelligence Authorization bill funds the operation of 16 agencies of the U.S. intelligence community, including the CIA, the FBI, the National Security Agency, the Defense Department, and all the critical work they do in fighting the war on terror. We are so fortunate that we have bipartisan cooperation of the management of the Intelligence Committee. Senator ROCKEFELLER and Senator BOND have worked closely together. They want this legislation to move forward.

This should not be a partisan issue. We had to vote to get 60 votes to proceed to the legislation. I said at that time, if you want to offer amendments while we are in the 30 hours postcloture time, do it. Now I am told the ability for us to get on the bill is going to be thwarted by not allowing us to have 60 votes.

I was upstairs this afternoon in room 407, getting a briefing on issues that are important to our country. It is so important that we move forward on this legislation and support our people who are making America safe and secure and protecting our interests all around the world. Sixteen agencies, I repeat, of the U.S. intelligence community want this legislation passed.

We are in a battle around the world on terrorism. Shouldn't our intelligence community be able to move forward with this legislation? I repeat: It was written by the Republicans. Why would they not let us go forward on this legislation? Is it because—I don't know. Is it because Vice President CHENEY thinks he is going to lose a little of his power directing everything covert that goes on in the intelligence community? Is he the one stopping this? Why? Why can't we pass legislation that was written by the Republicans to improve our intelligence operations?

This legislation includes essential initiatives that would improve our efforts to fight terrorism and control weapons of mass destruction, enhance our intelligence collection capabilities, and strengthen intelligence oversight. Does anybody dispute that? For 27 years, since we first started doing an Intelligence bill, we passed it every year. But not the last 2 years. Blocking passage of the bill leaves Congress silent on these important matters, dealing with terrorism, weapons of mass destruction, intelligence collection capabilities, and intelligence oversight. It is so important to pass this bill. This is not a partisan issue. I don't think there are political points to be scored on either side.

I hope my friends on the other side of the aisle will let this legislation go forward. We have a managers' amendment that Senator ROCKEFELLER and Senator BOND worked on that would be accepted. I cannot imagine why we would be stopped on an Intelligence authorization. I have been told that the word is out, the Republicans are not going to support cloture on this most important bill.

My friend, the distinguished Republican leader, pointed out this afternoon that we filed cloture a number of times this year. We surely have. We surely have, because there has been a minority of people on the other side who forced us to do this. The bills we passed have been bipartisan: Ethics/lobbying reform got a big bipartisan vote; minimum wage, big bipartisan vote; the continuing resolution, a big bipartisan vote—we had to do that to fund the Government—the 9/11 Commission recommendations, big bipartisan vote; stem cell, big bipartisan vote; the supplemental, a bipartisan vote. Sure, we have had to file cloture because there has been a minority of Senators on the other side who forced us to do that on these bipartisan bills.

My friend, the minority leader, is right, we have filed cloture a number of times. The fact is, his side forced us to do so rather than let us proceed directly to these bills—and this bill. We have been forced to jump through a number of procedural hoops designed to block legislation that enjoyed bipartisan support.

I will continue to do that. I understand the rights of just a few Senators and if a few Senators want to stop us from moving forward, that is fine. But to think that we couldn't get 10 Republicans to support us on a motion to invoke cloture on an Intelligence authorization bill? That is beyond my ability to comprehend, why the Republicans would stop us from moving forward on an Intelligence authorization bill. I have said they can offer amendments to the bill. Even though I thought it was absolutely wrong that we had to vote cloture on the motion to proceed, I said, during the 30 hours, if you want to offer amendments, go ahead and do so. ''No.''

This is not ethics reform, it is not minimum wage, it is not stem cell research, it is not the continuing resolution—it is the ability of our intelligence agencies to do their work: the CIA, FBI, NSA, Defense Department. I urge the minority to not stop this bill from going forward. The vote is at 5:30. But that is what I am told is going to happen. Their actions, if in fact they follow through on this, are not in the best interests of the American people. Anyone who has been told that they are being stymied from offering amendments is not being told the truth.

We will continue to work in a bipartisan manner to move our country forward. The bills that passed this body so far this year have been bipartisan, with overwhelming support, and, yes, we did have to file cloture because a small number of people held us up from moving on this most important piece of legislation.

I hope there will be people who will move away from this madding crowd who will not allow us to help these agencies do their work.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Virginia.

VIRGINIA TECH MASSACRE

Mr. WARNER. Mr. President, I am joined on the floor by my distinguished colleague, Senator WEBB. We wish to address the Senate, indeed speak with all America, for we Virginians have

suffered today one of the most grievous incidents ever to occur in our State or, indeed, in America.

I speak to the tragic loss of life and tragic injury of so many students and faculty at the distinguished and venerable institution of Virginia Tech in Blacksburg, VA.

All America joins to mourn these young people whose lives of promise have been cut so short, and those injured as they, hopefully and prayerfully, recover from their wounds. I must say, I have been privileged to serve in this institution for many years. I served in many other posts of public service in my lifetime. This tragedy, this tragedy is an incomprehensible situation, an incomprehensible, senseless act of violence.

In time, be it days or weeks, Americans will learn more about the circumstances of today in Blacksburg, VA. For now, however, and forever after, our hearts and our prayers are with the victims, their families, and the other students and faculty at Virginia Tech and, indeed, their families.

Virginians are proud of this historic university. I have known it all my lifetime and how it has served our State and Nation for nearly a century and a half as an exemplary institution of learning, one that has contributed many fine young men and women to the Armed Forces of our United States.

For the moment, I simply close by saying that the historic and proud tradition of Virginia Tech will carry on. Our State embraces them as does all America. We will work with them to make sure they can carry on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia, Mr. WEBB, is recognized.

Mr. WEBB. Mr. President, I would like to thank the senior Senator from Virginia for having taken the initiative to bring this matter briefly to the floor today as we consider other issues.

As we have learned more facts about this incident during the time that I was presiding over the Senate, I am sure that over the next day or so we are going to learn a lot more that will help us understand, perhaps, how this incredibly tragic incident occurred.

We will have time to reach out to the grieving families and hopefully begin to heal ourselves and to again regain the confidence and the respect of the people who go to that institution. But I thank the senior Senator for bringing this matter to the floor. I want to associate myself fully with his comments. There is very little I can add in terms of describing the depth of our feelings and our regret over the fact that this incident has occurred.

It is an incredible human tragedy. As I said, there will be, I am sure, many stories over the coming days about how it occurred and the implications of it. But it is very fitting for us to pause for a few moments as we consider all of these other issues that are on the table, some of them which obviously divide us by party, but certainly on an issue such as this we are all together in extending our compassion and our regrets to the families of those who are involved.

This is a great institution. The lives that were lost today were of those people who had in their early days demonstrated an enormous amount of promise, and we again express our regrets to the families and our determination that we will help the people of the community around Virginia Tech regain the sense of purpose and vitality once we reach more understanding of what happened.

Again, I thank the senior Senator and I thank you, Mr. President, for allowing us to stop for a few moments in business today to mention this incident.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia, Mr. WARNER, is recognized.

Mr. WARNER. Mr. President, I thank my colleague. We do recognize, both of us, our gratitude to the bipartisan leadership of this institution in opening today's session with a prayer and a moment of silence to honor the victims; not only the victims involved but those at this great university and throughout the State.

I also thank our Governor. Our Governor is en route quickly returning from a trip to Japan. He has been in contact and received a call from the President of the United States, George Bush. We have talked with his chief of staff throughout the day and have waited until this time, until such facts have been gathered, the few that are known about this tragedy, before addressing the Senate.

I thank the Chair. I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, before the two Senators from the Commonwealth of Virginia leave the floor, let me express to them our sympathy and sorrow over the tremendous tragedy suffered in their State today.

A member of my staff has a son who attends this fine institution. Fortunately, she has learned that he is fine, but you can imagine her anxiety as she was waiting to hear from her son and had the television on hearing the reports.

I say to both of the Senators from Virginia that our hearts go out to them, to the members of this fine institution in Virginia, and to those who are affected by this terrible violence.

Before I turned to the issue that has brought me to the Senate floor, I just want to extend my condolences on behalf of the people of Maine to the people of Virginia.

The PRESIDING OFFICER. The Senator from Virginia, Mr. WARNER, is recognized.

Mr. WARNER. Mr. President, I thank my colleague and dear friend from Maine. I thank other colleagues who have spoken to me and to my distinguished colleague, Senator WEBB. We thank the Senate for its compassion in this matter. Each Senator feels deeply that it could have happened, I suppose, this sort of tragic situation, in any State in the Union. So we are all sharing this tragic moment in the life of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, can the Chair inform me of whether there is an amendment pending at the current time?

The PRESIDING OFFICER. Only the managers' substitute.

AMENDMENT NO. 847 TO AMENDMENT NO. 843

Ms. COLLINS. Mr. President, I call up amendment No. 847, which is pending at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. LIEBERMAN, Mr. CARPER, Mr. COLEMAN, and Mr. AKAKA, proposes an amendment numbered 847 to amendment No. 843.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To reaffirm the constitutional and statutory protections accorded sealed domestic mail, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. SENSE OF CONGRESS RELATING TO CONSTITUTIONAL AND STATUTORY PROTECTIONS ACCORDED SEALED DOMESTIC MAIL.

(a) FINDINGS.—Congress finds that—

(1) all Americans depend on the United States Postal Service to transact business and communicate with friends and family;

(2) postal customers have a constitutional right to expect that their sealed domestic mail will be protected against unreasonable searches;

(3) the circumstances and procedures under which the Government may search sealed mail are well defined, including provisions under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and generally require prior judicial approval;

(4) the United States Postal Inspection Service has the authority to open and search a sealed envelope or package when there is immediate threat to life or limb or an immediate and substantial danger to property;

(5) the United States Postal Service affirmed January 4, 2007, that the enactment of the Postal Accountability and Enhancement Act (Public Law 109–435) does not grant Federal law enforcement officials any new authority to open domestic mail;

(6) questions have been raised about these basic privacy protections following issuance of the President's signing statement on the Postal Accountability and Enhancement Act (Public Law 109–435); and

(7) the Senate rejects any interpretation of the President's signing statement on the Postal Accountability and Enhancement Act (Public Law 109–435) that in any way diminishes the privacy protections accorded sealed

domestic mail under the Constitution and Federal laws and regulations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress reaffirms the constitutional and statutory protections accorded sealed domestic mail.

Ms. COLLINS. Mr. President, I am calling up this amendment on behalf of myself, Senator LIEBERMAN, Senator CARPER, Senator COLEMAN, and Senator AKAKA.

Our bipartisan amendment reaffirms the fundamental constitutional and statutory protections accorded to sealed domestic mail, even as we make provisions for sustaining our vital intelligence-gathering activity in the interests of advancing the goals of protecting our homeland from attack.

I am very pleased to have the distinguished chairman of the Senate Homeland Security Committee, Senator LIEBERMAN, as a cosponsor, as well as Senator CARPER of Delaware, who was the coauthor with me of the postal reform legislation that passed and was signed into law last year.

Senator COLEMAN and Senator AKAKA have also been very active on postal issues. I have also had the opportunity to talk with the distinguished chairman and the ranking member of the Intelligence Committee about this proposal.

For those who may not have followed this issue, let me first provide some brief background. On December 20, President Bush signed into law the Postal Accountability and Enhancement Act that Senator CARPER and I introduced last year. This new law makes the most sweeping changes in the Postal Service in more than 30 years.

The act will help the Postal Service meet the challenges of the 21st century, establish a new rate-setting system, help ensure a stronger financial future for the Postal Service, provide more stability and predictability in rates, and protect the basic features of universal service.

One of the act's many provisions provides continued authority for the Postal Service to establish a class of mail sealed against inspection.

Now, let me make very clear, this is not new authority. This is a continuation of authority that the Postal Service already has.

Regrettably, on the day that he signed the Postal Reform Act into law, the President also issued a signing statement which has created some confusion about the continued protection of sealed domestic mail. He construed that particular provision in our bill to permit ''searches in exigent circumstances, such as to protect life and safety.''

Now, since that time, the President's spokesman has made very clear that the President's signing statement was not intended in any way to change the scope of the current law. But the statement caused confusion and concern about the President's commitment to abide by the basic privacy protections afforded sealed domestic mail. For some, it raised the specter of the Government unlawfully monitoring our mail in the name of national security.

Given this unfortunate and inaccurate perception, I wish to be very clear, as the author of the postal reform legislation; nothing in the Postal Reform Act nor in the President's signing statement in any way alters the privacy and civil liberty protections provided to a person who sends or receives sealed mail.

In fact, the President's signing statement appears to do nothing more than restate current law. By issuing the signing statement, however, the President, unfortunately, generated questions about the administration's intent.

I am confident the administration does not intend to interpret the law differently or change the constitutional or statutory protections. But, unfortunately, this is the case, again, of where the President stepped forward and issued a signing statement, upon signing this bill into law, that has created concern and confusion where none existed before. I think it is unfortunate the President did so.

Under current law, mail sealed against inspection is entitled to constitutional protection against unreasonable searches. With only limited exceptions, the Government needs a court warrant before it can search sealed mail. This is true whether the search is conducted to gather evidence under our Criminal Code or to collect foreign intelligence information under the Foreign Intelligence Surveillance Act of 1978, perhaps better known as the FISA Act.

Exceptions to the warrant requirements of the fourth amendment are limited. When there is an immediate danger to life or limb or an immediate and substantial danger to property, then the Postal Service can search a domestic sealed letter or package without a warrant. Let me give you examples of what we are talking about. What we are talking about when we are talking about immediate threats could include wires protruding from a package that gives one the reasonable belief there may be a bomb inside. Another example might be odors or stains that indicate the presence of a hazardous material.

Americans depend upon the U.S. Postal Service to transact business and to communicate with friends and family. If there is any doubt in the public's mind that the Federal Government is not protecting the constitutional privacy accorded their mail, if there is a suspicion that the Government is unlawfully opening mail, then our people's confidence in the sanctity of our mail system and even in our Government itself will be undermined.

That is why I have joined my colleagues in offering this amendment today. It makes clear to all law-abiding Americans that the Federal Government will not invade their privacy by reading their sealed mail, absent a court order or exigent circumstances. Any contrary interpretation of the Postal Reform Act is just plain wrong. I think it is important that the Senate go on record affirming this basic constitutional privacy—statutory privacy, as well—that Americans have always counted on.

Our amendment will do nothing to weaken the vital protections we have created against terrorist attacks, but it will remove any doubt that our fundamental protections of privacy rights have in some way been weakened by the signing statement that, unfortunately, the President chose to issue.

So I urge my colleagues to remove any doubt, to make it clear that the new law, on which we worked so hard for 3 years and which was signed into law last December, does not change this in any way.

Again, I thank the chairman of the Intelligence Committee and the ranking member for their willingness to discuss this issue.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, first, I see the distinguished chairman of the committee and the vice chairman of the committee on the floor. I commend both of them for their excellent work on this legislation. I particularly wish to commend Chairman ROCKEFELLER and Vice Chairman Bond for the bipartisan approach the two of them have brought to tackling these important issues in this session of the Senate.

It is extremely important that intelligence is conducted in a bipartisan fashion and the chairman and vice chairman have set a model in terms of approaching these issues in that fashion.

In the 1970s, Members of Congress realized there was not nearly enough oversight of our Nation's spy agencies, and this lack of oversight led to a number of serious abuses. In response to the abuses, the Senate created the Select Committee on Intelligence, on which I am proud to serve. Each year, for 29 straight years, our committee has produced an intelligence authorization bill, and this annual legislation has given Congress a means by which to exercise oversight of the classified intelligence budget and provide guidance to the Central Intelligence Agency, National Security Agency, and various other important intelligence agencies.

In 2005 and 2006, regrettably, the Congress failed to pass the Intelligence authorization legislation. In my view, this is inexcusable. At a time when

Americans were questioning our intelligence agencies' ability to keep them safe, the Congress failed to provide the necessary support. At a time when the intelligence community was undergoing major reorganization, Congress failed to provide sufficient guidance. At a time when our allies and our own citizens were raising serious questions about our detention policies, the Congress failed to conduct oversight. At a time when Americans were opening their morning papers and reading about the aggressive new forms of Government surveillance, such as the President's warrantless wiretapping program, the Congress failed to demand accountability.

The committee did report Intelligence authorization bills for fiscal years 2006 and 2007, but they were blocked repeatedly by anonymous holds. Regrettably, the previous leadership failed to make passing this legislation a top priority. The new leadership of the Senate has decided that ensuring national security and protecting Americans' rights and values is a major concern and, as a result, we are now dealing with this year's Intelligence Authorization Act, and it comes, in my view, to a great extent because of the cooperation of Chairman ROCKEFELLER and Vice Chairman Bond, who has also assisted me in a number of critical areas throughout this session of the Senate, for which I am very appreciative.

This legislation contains a number of important provisions which I am proud to have worked on with my colleagues on the committee. It clarifies many of the authorities of the Director of National Intelligence, establishes a new national space intelligence center, and creates a strong independent inspector general for the intelligence community. It strengthens congressional oversight by clarifying the President's responsibility to keep the Congress informed of all intelligence activities. In addition, it contains three amendments that I offered and that I believe are going to improve the functioning of our intelligence agencies.

The first of these amendments would make public the total amount of the national intelligence budget. In my view, it is ridiculous to suggest that Osama bin Laden is going to gain some sort of advantage from knowing that the national intelligence budget is one specific number or another. But declassifying this number would increase, in my view, transparency and public accountability. It would increase public accountability without sacrificing the national security needs of this country and also permit a more informed debate about funding for defense and national security.

The second of these amendments which I offered with the distinguished chairman of the committee, Senator ROCKEFELLER, would increase resources to support the Committee on Foreign Investments in the United States. After investigating the proposed takeover of the management of several United States ports by Dubai Ports World, I became convinced that the process for approving these foreign purchases did not include sufficient due diligence. There ought to be more room in this process for input from the intelligence community, and these additional resources that have come about as a result of this amendment I developed with Chairman ROCKEFELLER would support that.

The last of these amendments would maximize the criminal penalty for knowingly and intentionally disclosing the identity of a covert agent. Like many Americans, I was shocked and disappointed to learn that members of the administration exposed the identity of an undercover CIA officer for partisan political purposes. Undercover officers perform a vital and demanding service for the Nation, and the very nature of their work prevents them from receiving public praise or recognition. Deliberately exposing an undercover officer for any reason, in my view, is unacceptable, and to do it for a political purpose is simply reprehensible. This provision will send a message to men and women of the CIA and other human intelligence services that the Congress values them and their work and takes any threat to them or to their identity very seriously.

I also note that the version of this legislation that was reported by the Intelligence Committee also creates a new exemption to the Privacy Act. In the additional views to the committee report, Senator FEINGOLD and I expressed our view that the impact of this provision had not been considered carefully enough. I am pleased the managers' amendment prepared by Chairman ROCKEFELLER and Vice Chairman BOND removes this provision and, in my view, that is going to make our conference with the House of Representatives easier.

In sum, I am pleased with the work—the bipartisan work—our committee put into this legislation, and I hope the Senate will support cloture this afternoon. This is extremely important legislation. It ought to be passed on a bipartisan basis. It should not be subject to a filibuster. Congress has surrendered its national security responsibilities for too long and too often, and it is time for the Congress to stand up and do its job.

Chairman ROCKEFELLER and Senator BOND have made it possible for the Senate Intelligence Committee to bring this legislation before the Senate. I am very hopeful this legislation will move forward today and that the Senate will support cloture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Oregon for his kind comments. As I said earlier today, we are most grateful to the leadership for having brought up S. 372. This is a very important and necessary first step for the Senate to return to its responsibility of conducting oversight of U.S. intelligence activities and programs. Enacting S. 372 into law will help restore the Senate's legitimate role in oversight of U.S. intelligence.

As I said, the administration has voiced some concerns about provisions in the bill, and the chairman and I have made a good-faith attempt to address those concerns. We have a managers' amendment, plus several other amendments on which the chairman and I agree that we think are legitimate and measured modifications that don't change the basic purpose of our provisions but meet some of their objections.

As I said before, there are provisions in the bill that we do believe need such changes. Should any Member, however, feel we have not gone far enough, we invite them to come to the floor and join in the debate.

Is S. 372 perfect? I have never seen a piece of legislation that was and don't expect to see one. That being said, we should all remember that the perfect is the enemy of the good. There is no such thing as perfect legislation. We can today, however, begin the process of improving our oversight with a good piece of legislation.

Again, will the administration agree with everything in the bill? No. On the other hand, I do not remember many times in my political career when any executive branch has invited the legislative branch, Congress—or a State legislature with which I am also familiar—to conduct rigorous oversight of its actions and policies.

Unfortunately for executive branch officials, that is our constitutional role as laid down by the Founding Fathers. It does not mean we will refuse to accommodate the executive branch's legitimate concerns. After all, the President does have the power to veto any legislation that he feels unduly intrudes upon his authority.

In an effort to ensure the administration's concerns are addressed, I have filed an additional nine amendments to S. 372, some of which overlap with the managers' amendment the chairman and I have presented. I believe the chairman and I are in agreement on almost all of these amendments, if not all of them. Through that process, I think we can alleviate the concerns the administration has with the bill.

I am concerned, however, that the process by which we had to draft the managers' amendment, combined with the fact that the preparation had to be undertaken largely when Members were in their home State, has led to some confusion among our colleagues. That is why we are handing out a one-page summary that I hope all Members will review so they understand how this measure has been changed. We will be happy to talk with them privately or discuss it with them on the floor, and our staffs are available to work with their staffs if they have any other concerns.

I also want to make it clear to all of my colleagues that I support full and open debate on S. 372 and the timely consideration of all germane amendments. We ask that the amendments be germane. We would have great difficulty in conferencing this bill on nongermane amendments and the possibility that they would be accepted in the final report I would say is doubtful. If confusion over the amendment filing process has prevented any Senator from getting a germane amendment considered, I will certainly work with that Member to see if we could get the amendment brought to the floor for consideration.

Again, I thank my chairman who has worked in a very cooperative manner. We are seeking to achieve a good bipartisan consensus on how we in this body exercise our very important constitutional role of providing oversight for a critically important factor in our responsibility, and that is oversight and legislation with respect to the national intelligence program and the intelligence community which administers it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROCKEFELLER. Madam President, in essence, what I will do is repeat what my valued and distinguished vice chairman said. It is a fact of life. The vice chairman and I have both been Governors. It is a fact of life that Governors don't like to have oversight. They don't get it. The legislatures don't get it. They get it by the people every 4 years.

It is a little different here. The President sends legislation. We look at it. It gets passed or not. But the country is so huge, and there are innumerable problems, none of which are more important than the national security. It is incredibly important not just to take the President's decision and assume that it is right. Maybe that works at the State level, but it doesn't work here.

We have an absolutely sacred obligation—and in this case a life-and-death obligation—to review, to do oversight, to ask questions, to call people in and to have closed hearings. We have endless numbers of closed hearings which are attended by members of the committee. Suddenly, this committee has come together, it is alive, and this sense of oversight is felt and appreciated by the intelligence community.

This single sheet of paper which every single Member will get when they come to the Chamber shows how Vice Chairman BOND and I, working together as we always do, made five major amendments to try to accommodate the administration with respect to the managers' amendment, which is the pending amendment. We worked those through very carefully, we agreed upon them, and they are now before us.

Then there is a separate list of five more individual amendments where we try to be responsible and responsive. That is all we can do.

The great sadness to this Senator over the past several years has been the inability of the Intelligence Committee to do oversight. That is our obligation. We need to know what is happening. There are certain areas which become so sensitive that it may be that only the vice chairman and I can be informed. People grumble about that, and so be it. That is national security protection. But we have to know what is going on, and that is the purpose of this legislation.

It has been a long time coming. The majority leader has spoken to that point. I recommend to my colleagues who come to the Chamber to vote that they take a look at this paper.

We have worked to try to accommodate the administration's objections. I am sure we have not accommodated all of them, but we have addressed some important ones without in any way interfering with our ability to do proper oversight.

Mr. LEAHY. Madam President, will the Senator yield to me, without losing his right to the floor, to make an announcement of some importance?

Mr. ROCKEFELLER. Yes.

POSTPONEMENT OF JUDICIARY COMMITTEE HEARING

Mr. LEAHY. Madam President, I just arrived back in Washington about an hour ago. I was on a flight for a number of hours and heard the horrific news of the tragedy at Virginia Tech. We had scheduled tomorrow morning before the Senate Judiciary Committee a hearing with Attorney General Gonzales. I have discussed this with the ranking member of the Senate Judiciary Committee, my friend Senator ARLEN SPECTER of Pennsylvania, and I called the Attorney General and spoke to him. All three of us agree—and they agree with my proposal—that we will postpone that hearing.

The hearing with the Attorney General will not be held tomorrow. We will postpone it until Thursday. The exact time we are working out. The Attorney General certainly was agreeable to that. I am sure he would want to be dealing with the matters of the shooting. Both Senator SPECTER and I felt this is a matter where our whole Nation is going to be grieving tomorrow and many individual Members in both bodies will be joining in that grieving and that concern for the families, for the victims of this horrible, horrible tragedy.

So the Judiciary Committee, I have decided, will not hold its hearing. It will be held Thursday.

I thank my friend from West Virginia for yielding to me so I could make that announcement.

Mr. ROCKEFELLER. Madam President, I thank the Senator and yield to the Senator from Massachusetts such time as he may require.

EXPRESSION OF SORROW FOR VIRGINIA TECH TRAGEDY

Mr. KENNEDY. Madam President, with a heavy heart, I rise to express my tremendous sorrow for the growing number of victims impacted by a terrible tragedy on a Virginia college campus today.

My deepest condolences and prayers go out to the students, faculty and their families at the Virginia Tech campus who have been affected by this horrific crime, especially those who lost loved ones.

The Nation is stunned by the loss of so many young lives. The tragedy is felt all the more because these were young people—children in the prime of their lives, with so much to offer—and who gave so much to their families—and now they are gone. They were sons and daughters, brothers and sisters, friends and neighbors. They were a part of all of us—and we will feel their loss. There will be time to debate the steps needed to avert such tragedies. But today our thoughts and prayers go to their families.

Today, the world weeps for the victims at Virginia Tech. Our thoughts and prayers are with you.

I thank the good Senator from West Virginia.

COURT SECURITY IMPROVEMENT ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Madam President, the distinguished Republican leader is not on the floor, so I move to proceed to S. 378, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 107, S. 378, the Court Security Improvement bill.

Harry Reid, Jeff Bingaman, Chuck Schumer, Jack Reed, Byron L. Dorgan, Ron Wyden, Maria Cantwell, Dianne Feinstein, Daniel K. Inouye, Daniel K. Akaka, Jim Webb, Dick Durbin, Jay Rockefeller, Sheldon Whitehouse, Barbara A. Mikulski, Ken Salazar, Edward M. Kennedy, Patrick Leahy.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum call be waived, as provided under rule XXII.

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

Mr. REID. Madam President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRAGEDY AT VIRGINIA TECH

Mr. SCHUMER. Madam President, I join so many of my colleagues today to rise in sadness and horror at what happened in Virginia at Virginia Tech. To see the picture of one of the young women, who was allegedly slain, go on the TV screen and see her young beautiful face and realize her life has been taken and thinking of her family and then magnifying this at least 30 times, it is almost too much to bear. This is a terrible tragedy for all of us.

We pray and mourn for those who were lost. At times such as this, the only solace one can take is that God works in ways we don't understand. But I wish to add my condolences to those families who lost loved ones, pray for the recovery of those who were injured, and to all the people of the Virginia Tech community, our hearts go out to you on this sad day.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007—Continued

Mr. MCCONNELL. Madam President, I rise to oppose cloture on the Intelligence authorization. There are plenty of things wrong with this bill, but our primary objection, once again, is the way it is being handled on the floor.

The Democratic majority has filed 21 cloture motions so far this session. At this rate, we will have 160 cloture motions by the end of the 110th Congress. This would shatter the old record of 82 back in 1995 and 1996.

The purpose of filing cloture early is to end debate and accelerate the passage of a measure, but abusing this privilege has the opposite effect. If the minority is shut out of the debate, it will block participation until their Members are respected and their voices are given an opportunity to be heard. We have seen this happen again and again over the last 3½ months as the majority has repeatedly struggled and failed to move legislation.

Republicans take no joy in this, but we will continue to defend our right to be heard. The Senate, as we have learned over the years, is not the House. Contrast this torpid pace of legislation in this Congress with the first 3½ months of the last one, when Republicans passed some of the most far-reaching civil justice reforms in decades. Republicans knew that the price of passing laws was to work with the minority, to have an open debate, and to vote on amendments the other side had to offer.

On bankruptcy reform, for example, we allowed 30 votes, including final passage. On this date, in the first session of the 109th Congress, Republicans had filed only four cloture motions. Looking back to the previous Congress on this date, we had only filed four cloture motions. We have had 21 filed by the new majority.

On this date in the first session of the 108th Congress, we had filed 5 cloture motions, as compared to 21 at this point with the new majority. On this date in the first session of the 107th Congress, we had only filed one cloture motion.

I think the message is pretty clear. I started this session by expressing the hope that we would do big and important things for the country. The realities of divided Government and the rules of the Senate make that supremely possible, and I thought the bipartisan meeting we had that first week in the Old Senate Chamber was a sign of good things to come. I still have that hope, and I see a real opportunity opening with the early steps the majority leader has taken on immigration reform. We are going to that the last 2 weeks before the Memorial Day recess. I think that is a good thing. I commend him for it.

It is my hope that this trend of limited debate and limited amendments—which, of course, leads to the limitation of minority rights—will soon come to an end. Madam President, 3½ months is not that long a time. We can still correct course and accomplish very important things for our country.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 20, S. 372, the Intelligence Authorization bill of 2007.

Harry Reid, Chuck Schumer, Russell D. Feingold, Jay Rockefeller, Evan Bayh, Patty Murray, Dick Durbin, Jeff Bingaman, Robert Menendez, B.A. Mikulski, Dianne Feinstein, Bill Nelson, E. Benjamin Nelson, S. Whitehouse, Byron L. Dorgan, Blanche L. Lincoln, Ron Wyden.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on S. 372, a bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Florida (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA), are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) and the Senator from Massachusetts (Mr. KERRY) would each vote ''yea.''

LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Mississippi (Mr. COCHRAN), the Senator from Wyoming (Mr. CRAIG), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 40, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—41

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Pryor
Bingaman	Inouye	Reed
Boxer	Kennedy	Rockefeller
Brown	Klobuchar	Salazar
Byrd	Kohl	Sanders
Cantwell	Leahy	Schumer
Cardin	Levin	Stabenow
Carper	Lieberman	Tester
Casey	Lincoln	Webb
Clinton	McCaskill	Whitehouse
Conrad	Menendez	Wyden
Dorgan	Mikulski	

NAYS—40

Alexander	Crapo	Lugar
Allard	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Enzi	Reid
Bunning	Grassley	Sessions
Burr	Hagel	Shelby
Chambliss	Hatch	Smith
Coburn	Hutchison	Snowe
Coleman	Inhofe	Specter
Collins	Isakson	Stevens
Corker	Kyl	
Cornyn	Lott	

Sununu	Thune	Voinovich
Thomas	Vitter	Warner

NOT VOTING—19

Biden	Graham	Martinez
Brownback	Gregg	McCain
Cochran	Harkin	Nelson (FL)
Craig	Johnson	Obama
DeMint	Kerry	Roberts
Dodd	Landrieu	
Ensign	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, I move to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I have to declare myself absolutely a series of things: furious, double-crossed, misled, minimized—in terms of my role as a Senator and as chairman of the Intelligence Committee—shocked by the arrogance of the technique that was used between the White House and the minority leader to say to Republicans, after weeks in which Vice Chairman BOND and I worked out a compromise on a managers' amendment on which we worked in good faith—I dropped things he did not like, he dropped things I did not like—but it was a genuine effort.

Vice Chairman BOND, whom I respect greatly, stood here praising the managers' amendment. Then the word came down from the White House—not from Vice Chairman BOND but from the White House—through the minority leader, that this vote was to be a test of Republican Party loyalty and that therefore all Republicans were instructed to vote against it.

In all of my years in the Senate, and certainly all of my years on the Intelligence Committee, I have never seen something so repugnant, putting politics over national security. That is the bottom line. Politics was put over national security.

An order came down: This is a test of Republican Party loyalty. When it comes to that, by golly, you put politics over national security.

Thirty-one people, at least, died at Virginia Tech University this afternoon. All of my kids went to camp there. I know a number of students down there. I called to find out that they were OK, and there was grief everywhere. Republicans were standing up, Democrats were standing up expressing they were horrified.

I was just trying to figure out how many intelligence agents, how many soldiers—because of inadequate intelligence or because of some slip-up or something we had not done, something which we were prepared to correct or did correct in the managers' amendment—died, and I suspect the number was essentially greater than 31.

Now, my heart goes out to those 31. I know some of them who were spared. I was in despair until I knew they were OK.

But this act of cynicism, this act for the third year in a row, blocking intelligence legislation is beyond me. We all understand nothing can happen in military action without intelligence leading the way in; to scout out the territory, to get the feeling, to get through language skills, et cetera, to get the feeling of what is going on so we know what we are getting into.

I will not get into the importance of intelligence for Iraq or Afghanistan, but this is a real crusher. I am not shocked or discouraged with the intelligence. I am more fired up than ever on intelligence. I am shocked because something like this happens in the United States Senate for any reason at any time. I have been in this body for 24 years.

I have been in this body for 24 years, and on one occasion a majority leader called me at home—I happened to be shaving, and it was not a convenient phone call—and asked me to vote against a particular piece of legislation, which I was going to vote against in any event. That has never happened since then. Not once have I been instructed by my party or by my minority or majority leader to vote a certain way.

Yet when it comes to national security, to funding intelligence agencies, where we change the authorities, where we spent weeks in trying to work out hard problems, and did so in the managers' amendment, with more amendments to come, which we would have agreed to, to alleviate the White House's concern—the White House decided they do not like oversight. Well, I understand that. When I was a Governor, I did not like oversight. Nobody likes oversight, but it is our constitutional responsibility. We do not have that choice. We have that duty.

One of the great things about the Intelligence Committee is it has come together in recent months to accept this responsibility and to reach out and take hold of it with a vigor and a lust that makes us want to do more—but not to overdo but to do. Then along comes this vote.

It certainly is the most disappointing day, the most disappointing vote, the most disappointing sign of where we are in this country—the most disappointing sense of the relationship between the executive branch and the legislative branch—the failure of the realization we exist for a reason, that we work hard, getting ready for this vote because we had a chance to do it. Then comes down the instruction: No. Politics trumps national security. Prove you are a loyal Republican. Vote no.

It is not a good day in the Senate.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I was fortunate enough to serve on the Intelligence Committee for 4 years and served with the Senator from West Virginia, as well as the Senator from Missouri. It is one of the toughest assignments in the Senate. It is time consuming. It is demanding. It takes a long time to even understand the nature of our intelligence community and the valuable work they do.

I salute all members of the Intelligence Committee on both sides of the aisle for sticking with it. They do not get a lot of public attention because these hearings and deliberations are behind closed doors. This is classified information. It is critically important for the security of the United States of America that this Intelligence Committee work and work closely with the intelligence agencies.

I want to say a word on behalf of the chairman of this Intelligence Committee on the Senate side, Senator ROCKEFELLER. I cannot think of a person who has put in more time—certainly on our side of the aisle but in the Senate—dedicated to doing this job right. It must be next to impossible to keep up with everything else he has to do, but he has dedicated himself to this. I know how much this bill means to him.

This reauthorization bill for the intelligence agencies is critically important to him personally, but, more importantly, it really means so much for our Nation. If our intelligence does not get it right, we are more vulnerable. If we are more vulnerable, it means that not just people living in Springfield, IL, but our troops in the field are more vulnerable. So he has worked overtime to bring this intelligence authorization bill to the floor in a spirit of bipartisanship, as he described.

This amendment, which was just stopped by this procedural motion, is a bipartisan amendment. It is from both the chairman of the committee, Senator ROCKEFELLER, and the vice chairman of the committee, Senator BOND—Democrat and Republican. I believe him when he says he has worked in a spirit of compromise to try to find a reasonable position.

Now, when we offer this amendment, this substitute amendment, to the Senate, and say, if you have something you want to offer to improve it—Senator REID said that earlier—I cannot think of a fairer way to approach an issue, which should not be political at all.

One amendment was offered. It is my understanding only one amendment was offered. It looked like we were finally going to get this reauthorization of intelligence agencies that are so important for our security. Along comes this procedural vote, which should have been a toss-away vote. It ends up virtually stopping the debate on this critical bill. Why? I cannot understand it.

We have said: Offer your amendments, and only one amendment was offered. Senator ROCKEFELLER has worked with the Republican side of the aisle for a bipartisan approach. You have given; the other side has given. It

was a good spirit of compromise, cooperation. That is what people want. Certainly, when it comes to the security of our Nation, you do not expect us to come in as Democrats and Republicans. We have a lot more responsibility.

So what happened now? When we tried to bring this to a point where it could pass, where the amendments would be limited to the most germane amendments that really get to the heart of the issue, the other side of the aisle, voted no, and now we are stuck.

They knew what they were doing. They were trying to kill this bill. But why would they want to stop this bill? This is a good bipartisan bill essential for the security of America that had been arrived at in a bipartisan manner, and they stopped it. I do not understand that.

I salute Senator ROCKEFELLER for his leadership. I understand his frustration. Certainly, the people who depend on us in the Senate, in a bipartisan fashion, to keep America safe were let down by this vote where the overwhelming majority of Republican Senators voted no.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SANDERS). The majority leader.

Mr. REID. Mr. President, I came here earlier today anticipating there would be Republicans who would rise above the partisan clamor. I looked, as the vote was being cast: no, no, no, at the people I thought could do this.

Sixteen agencies are all responsible for gathering intelligence information for our country.

Mr. President, let's call it the way it is. Vice President CHENEY runs the intelligence operations of this administration. He has for 6 years. It apparently is not going to stop. We could not even improve the intelligence-gathering operations for the 16 agencies because it may interfere with the Vice President.

Mr. President, even the vice chairman of the committee voted against moving forward. I heard his conversation with the chairman, why he was doing this—because he had been asked to do it. We have had experiences in the past with the way the Republicans—everybody, hear that—have handled the intelligence-gathering information for our Nation. The Senate had to be closed using rule XXII to get some minimal information how the evidence was manipulated to take us to war in Iraq, and we got some of that information.

There has been a change in the leadership of the Senate. I was hopeful it would be better, and it has been for 3 months. There has been cooperation between the two Senators, the chairman and vice chairman. We are not dealing with—we have had to invoke cloture on everything we have done here because, as I said earlier today, I thought a minority of Republican Senators was standing in the way of our doing what we have done—minimum wage, stem cell, all that stuff.

But here we are dealing with our spies. That is what they are. We know from the situation where there has been an indictment and conviction that the White House was involved in that up to their neck with the ''Scooter'' Libby matter. Karl Rove appeared before the grand jury on three or four or five occasions trying to extricate himself. The President said anyone who had anything to do with leaking information would be dumped from the administration quickly. Of course, that has not happened. I guess there is nothing in the minds of Karl Rove and his minions that is not politics—even the spy operations of this country.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, there have been some insinuations which have been thrown around on the other side. Let me be clear. This was not a cloture vote on the managers' amendment. This was a cloture vote on the bill. Many Republican Senators had asked to have an opportunity to offer amendments. Some 35 amendments have been submitted. The time for submitting the amendments shut off at 2:30 today, and we have at least 10 or so Senators who could not get back here.

Now, this bill is a good bill. But we have no reason, before we even start work on the bill, to invoke cloture to shut off amendments. Nobody from the White House told us to do that. We have Republican Senators who wanted to have an opportunity to offer amendments and vote. This is a critically important bill for the intelligence community, and I believe we need to work on it at least a couple of days. Is that too much to ask, that we work on it a couple of days?

I know the leader has entered a motion to reconsider. And if there is any sense—if there is any sense—that there is dilatory action, if there is any sense that we are not moving quickly on this bill in very short order, I would join with him and urge my Republican colleagues to do so to move this bill forward. This bill is one that has to pass if we are to get our legitimate congressional oversight.

I am not going to get into the arguments between the leaders on how many times we have invoked cloture. But on this one—this one—I gladly urged everybody to vote for cloture to proceed to the bill. There may be some in the executive branch who did not want us to. There may be a lot of provisions in the bill on oversight that the executive branch does not want. I believe we have a responsibility—a responsibility—to consider this carefully.

Reference has been made to a number of things that were inaccurate. There was a reference made to having to shut down the Senate to get a process moving in one of the second-phase investigations. The staff work had essentially been completed. The staff, under bipartisan leadership, had worked on getting that done. Shutting down the Senate was a great show, but it did nothing to move forward that particular phase of the investigation.

Now, I want to see this committee—and I hope this body—operate on a bipartisan basis. But I was very disappointed when I saw that cloture had been filed before we even started the process of amendments. Cloture is necessary when you see there is a filibuster or you see there are nongermane amendments. some of the amendments are nongermane and I will ask that they be withdrawn or I will join in a tabling motion, but I think this subject, which has not been debated on the floor sufficiently in recent years, should be open to a thorough debate. We don't want to take up a lot of time. We need to get this bill to the House and work with them to get a good Intelligence authorization bill through.

The insinuation that we got an order from the White House is absolutely without basis. They are working with us in a cooperative way, and I hope to move forward on this bill, which is now open for amendment and debate. I look forward to the opportunity to proceed with that debate and votes on the bill.

I thank the Chair, and I yield the floor.

Mr. REID. Mr. President, I have the greatest respect for the senior Senator from Missouri, but his facts are all messed up. We tried to bring this bill to the floor for a full debate. In the Senate, as everyone knows, you have to move to proceed to the bill. We did that. They objected. We had to file cloture on even being able to proceed to the bill. They initially said: We are not going to give you cloture. Then they gave us cloture. The purpose of that was to stall for time. They voted to proceed. I said immediately: Why waste the 30 hours? The rule in the Senate is you have 30 hours after you complete the cloture. I said: Offer amendments during this period of time. Don't waste the time. We could have done that last week. I told everybody. All the staff knew that: But no, nothing. I indicated we would be happy to do relevant amendments on this bill.

I ask unanimous consent now that there be four relevant amendments in order for each side and that when they are disposed of, the Senate move to final passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, reserving the right to object, I apologize.

Mr. REID. I will repeat the request. I ask unanimous consent that there be four relevant amendments in order for each side and that when they are disposed of, the Senate vote on final passage.

Mr. BOND. Reserving the right to object, we have 35 amendments. There are 10 amendments which I believe have the support of the chairman and the vice chairman. I will be happy to work tomorrow with the leaders, with the chairman, to develop a list of amendments and get a time agreement. But

the whole purpose was to move this bill forward and find out what amendments are coming from both sides. I don't know about amendments from people who are not here.

I object to that proceeding.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, let me say, it is a funny way of wanting to move forward on this bill by stopping cloture twice during the last 30 hours. I repeat, I said anybody who wanted to could offer amendments. We sat for 2 days doing nothing, for 30 hours doing nothing.

I hope the distinguished Senator from Missouri and my friend, my dear friend for life, the junior Senator from West Virginia, can work something out. That is why I moved to reconsider. I hope that on this very important piece of legislation, we are able to move forward. This has nothing to do with partisan politics. This is the security of our Nation and much of the world.

Mr. BOND. Mr. President, as I indicated earlier, I want to see this bill move forward. It is open for amendment and debate. I will work with the chairman, with the leaders on both sides to come to a short time agreement with amendments to be considered. If that cannot be accepted, if we have any indication that this bill is going to be drawn out, then I will work with the leadership to get us to a position to vote on the bill. I remain committed to seeing this bill go forward, but I believe we have the need for at least a day's debate. The objection to proceeding on the bill was withdrawn. There could have been debate on Friday, but we weren't in. Now we are back in session, and I hope both sides can come forward and offer their amendments and offer their debates, and have votes and move this bill to final passage and send it to conference.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. We weren't in session because there was no activity on this bill. No one was offering amendments. I would go one step further than the distinguished Senator from Missouri suggested. The amendments have been filed. Why don't we do the relevant amendments? I don't know how many there are. Let's do the ones that are in keeping with the rules of the Senate, go ahead and handle those, starting in the morning.

That is all I have, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the role.

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

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

MORNING BUSINESS

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

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

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS DAVID NEIL SIMMONS

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Kokomo. Neil Simmons, 20 years old, was killed on April 8 while deployed in Baghdad, when his convoy encountered an improvised explosive device and insurgent fire. He had been in Iraq for less than 2 weeks. With his entire life before him, Neil risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Neil attended Kokomo's Northwestern High School and followed the example set by his father and uncle by enlisting in the Army a few months before graduating in 2005. He enjoyed the structure of the military and felt a sense of duty to serve his community and country. His father described Neil as ''an avid outdoorsman who was happy and always had plenty of friends.''

Neil was killed while serving his country in Operation Iraqi Freedom. He was a member of the 2nd Battalion, 69th Armor Regiment, 3rd Brigade Combat Team, 3rd Infantry Division, in Fort Benning, GA. Neil's father reflected on his son's death, asking, ''What's the odds of, among 160,000 troops your only child is there one week and gets killed?'' Private First Class Simmons leaves behind his father David and uncle Jim Simmons.

Today, I join Neil's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Neil, a memory that will burn brightly during these continuing days of conflict and grief.

Neil was known for his dedication to his family and his love of country. Today and always, Neil will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Neil's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Neil's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of David Neil Simmons in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Neil's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Neil.

ARMENIAN GENOCIDE

Mrs. BOXER. Mr. President, I take this opportunity today to solemnly commemorate the 92nd Anniversary of the Armenian genocide.

The Armenian genocide was the first genocide of the 20th century. From 1915 until 1923, 1.5 million Armenians were brutally killed by the Ottoman Turks in a systematic effort to eradicate the Armenian people. There were unbearable acts of torture; men were separated from their families and murdered; women and children were put on a forced march across the Syrian desert without food or water.

Henry Morgenthau, the U.S. Ambassador to the Ottoman Empire from 1913 to 1916, recalled:

> When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact . . . I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

However, we were to witness other such horrible genocides later, including the Holocaust and the genocide in Darfur, which is happening today.

As with later genocides, some have tried to deny that the Armenian genocide happened. Shamefully, the Government of Turkey still refuses to admit that genocide occurred.

In order for democracy and human rights to flourish, we must not support efforts to rewrite and deny history. In the United States, we strive to make human rights a fundamental component of our democracy. It is long overdue for our nation to demand that the truth be told. We must recognize the Armenian genocide in the name of democracy, fairness and human rights.

At the beginning of the 21st century, as genocide is waged in Darfur, it is

even more critical to recognize the first genocide of the 20th Century. We must send a message that genocide and genocide denial will never be tolerated.

To that end, I am proud to be an original cosponsor of Senator RICHARD DURBIN's S. Res. 106, calling on the President to accurately characterize the Armenian Genocide in his annual message around April 24 and to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian genocide.

It is important that we recognize the Armenian genocide while its survivors are still with us to tell their stories. We must recognize the genocide for the survivors. We must recognize the genocide because it is the right thing to do. We must recognize the Armenian genocide to help shed light on the darkness and move toward a more humane world.

VOTE EXPLANATION

● Mr. NELSON of Florida. Mr. President, I would like to take this opportunity to explain to the Senate my absence during today's vote to invoke cloture on S. 372, the Intelligence Authorization Act.

I am in Florida, and my flight was due to arrive in Washington this afternoon. However, because of the inclement weather, my flight was delayed and I am still in Tallahassee.

I am a member of the Senate Select Committee on Intelligence, and I have already voted in favor of this measure. As such, had I been present for the vote, I would have voted ''aye'' on the resolution.●

ADDITIONAL STATEMENTS

TRIBUTE TO GERALD E. HARMON, M.D.

● Mr. GRAHAM. Mr. President, today I ask the Senate to join me in recognizing Dr. Gerald E. Harmon, MD, on the occasion of his retirement from the South Carolina Air National Guard, SCANG. A native South Carolinian, ''Gamecock Doc'' joined the military in 1973 as a commissioned officer in the U.S. Air Force, USAF after graduating from the University of South Carolina USC. He began studying medicine at the Medical University of South Carolina through the Air Force Health Professions Scholarship Program achieving his M.D. in 1976.

Dr. Harmon completed his family practice residency at Eglin AFB in Florida. After fulfilling several USAF flight surgeon assignments in Texas and South Carolina, he transferred to the SCANG to serve as the commander of the 169th Tactical Clinic at McEntire Joint National Guard Base. Under his leadership, his unit was twice awarded the SCANG Outstanding Unit award and received ''Excellent'' evaluations by the USAF Inspection Agency.

In 1992, President George H. W. Bush recognized Dr. Harmon for his medical humanitarian work in Africa, and both in 1998 and 2003 the South Carolina General Assembly recognized him as the Doctor of the Day for his unselfish duty and devotion to the medical profession. Dr. Harmon was also a recipient of the American Heart Association Research Grant at the USC School of Medicine and was recognized as the Air National Guard's 1993 National Physician of the Year.

Over the last 7 years, Dr. Harmon served as the Air National Guard Assistant Surgeon General for the USAF providing critical advice and information on Air National Guard medical activities to the United States' Surgeon General. Part of his responsibilities included coordinating medical policies, plans, and programs for the Air National Guard. Dr. Harmon is the first South Carolinian to serve as the Air National Guard Assistant Surgeon General.

Dr. Harmon is currently a family practitioner the Waccamaw Medical Center on Pawleys Island, where he and his wife of 35 years reside. He is also President-elect of the South Carolina Medical Association having served on its board directors for many years.

A true patriot and a fine American, Dr. Harmon formally retired as a major general with over 700 flying hours on February 16, 2007. His military career will forever be marked by his extraordinary vision, sacrifice, and community spirit. I wish Dr. Harmon the very best in his retirement and ask that the Senate join me in thanking him for his service.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to 22 U.S.C. 2761 and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the British-American Interparliamentary Group: Mr. CHANDLER of Kentucky, Chairman.

The message also announced that pursuant to 22 U.S.C. 276d, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. OBERSTAR of Minnesota, Chairman, Mr. SMITH of Washington, Vice Chairman, Ms. SLAUGHTER of New York, Mr. STUPAK of Michigan, Ms. KILPATRICK of Michigan, Mr. HODES of New Hampshire, Mr. WELCH of Vermont.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1469. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2005 Section 32 Hurricane Disaster Programs; 2006 Livestock Assistance Grant Program'' (RIN0560-AH45) received on April 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1470. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2006 Emergency Agricultural Disaster Assistance Programs'' (RIN0560–AH62) received on April 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1471. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice Governing Proceedings Under the Packers and Stockyards Act'' (RIN0580–AA97) received on April 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1472. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–1473. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Utah; State Implementation Plan Corrections'' (FRL No. 8300–1) received on April 12, 2007; to the Committee on Environment and Public Works.

EC–1474. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Renewable Fuel Standard Program'' (FRL No. 8299–9) received on April 12, 2007; to the Committee on Environment and Public Works.

EC–1475. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to the integration of mental health services into daily activities of Service members; to the Committee on Appropriations.

EC–1476. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, an annual report relative to the TRICARE Program for fiscal year 2007; to the Committee on Armed Services.

EC–1477. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Department's ''National Call to Service'' program; to the Committee on Armed Services.

EC–1478. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Plans and Information—Protection of Marine Mammals and Threatened and Endangered Species'' (RIN1010–AD10) received on April 13, 2007; to the Committee on Energy and Natural Resources.

EC–1479. A communication from the Deputy Chief Human Capital Officer, Office of the Under Secretary, Department of Energy, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Under Secretary, received on April 12, 2007; to the Committee on Energy and Natural Resources.

EC–1480. A communication from the Deputy Director, National Security Administration, Department of Energy, transmitting, pursuant to law, the report of a nomination for the position of Principal Deputy Administrator for Nuclear Security, received on April 12, 2007; to the Committee on Energy and Natural Resources.

EC–1481. A communication from the Deputy Chief Human Capital Officer, Office of the Under Secretary, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary, received on April 12, 2007; to the Committee on Energy and Natural Resources.

EC–1482. A communication from the Deputy Director, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Principal Deputy Administrator, received on April 12, 2007; to the Committee on Energy and Natural Resources.

EC–1483. A communication from the Deputy Director, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Under Secretary for Nuclear Security, received on April 12, 2007; to the Committee on Energy and Natural Resources.

EC–1484. A communication from the Deputy Director, Office of the Chief Financial Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination, discontinuation of service in an acting role and the designation of an acting officer for the position of Chief Financial Officer, received on April 12, 2007; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–55. A joint resolution adopted by the Legislature of the State of Montana supporting the ''25 x 25'' Initiative to Increase Production of Renewable Energy by the Agricultural Community; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE JOINT RESOLUTION NO. 6

Whereas, having an affordable, clean, reliable, and plentiful energy supply is critical to Montana's economy, as well as the national and international food supply; and

Whereas, current and future risks to national energy security are mounting while domestic and global energy demands are growing exponentially; and

Whereas, Montana and the United States have tremendous renewable energy resources; and

Whereas, the development of a broad spectrum of renewable energy resources, including wind power, biofuels, biomass, methane digesters, ethanol, and solar, benefit the environment and will have a direct economic benefit to agricultural landowners and rural communities; and

Whereas, rural communities and agriculture will experience multiple benefits, including establishing additional markets for agricultural commodities, increasing farm income, creating added-value uses for crops, livestock, and their byproducts, encouraging more productive use of marginal lands, resolving air, water, and soil quality problems that may arise from agricultural operations, improving wildlife habitat, and creating many new job opportunities; and

Whereas, American agriculture is well positioned to play an expanded role in the development and implementation of new energy solutions and with appropriate technological innovation, incentives, and investments, America's farms and ranches can become the factories that produce a new generation of fuels to help meet the nation's energy needs; and

Whereas, ''25 x 25'' is an agriculturally led initiative that envisions America's farms and ranches producing 25% of America's energy supply by the year 2025 while continuing to produce abundant, safe, and affordable food and fiber; and

Whereas, agriculture's role as an energy producer will have a positive effect on national security and trade imbalances and will serve as a catalyst for rural development in Montana and the United States; and

Whereas, Governor Brian Schweitzer (D–MT), Governor Dave Heineman (R–NE), Governor Tim Pawlenty (R–MN), Governor Mitch Daniels (R–IN), Governor Ed Rendell (D–PA), former Governor Jeb Bush (R–FL), Governor Kathleen Sebelius (D–KS), former Governor Tom Vilsack (D–IA), former Governor George Pataki (R–NY), former Governor Robert Ehrlich (R–MD), Governor Jennifer Granholm (D–MI), former Governor James Risch (R–ID), Governor Jim Doyle (D–WI), Governor Jim Douglas (R–VT), Governor Ernie Fletcher (R–KY), Governor John Lynch (D–NH), former Governor Bob Taft (R–OH), Governor Tim Kaine (D–VA), Governor Arnold Schwartzenegger (R–CA), and Governor Rod Blagojevich (D–IL) have endorsed ''25 x 25''; and

Whereas, state legislatures from Colorado, Nebraska, Kansas, and Vermont have endorsed ''25 x 25'': Now, therefore, be it

RESOLVED by the Senate and the House of Representatives of the State of Montana, That the Montana Legislature endorses the ''25 x 25'' vision of agriculture providing 25% of the total energy consumed in the United States by the year 2025, while continuing to produce abundant, safe, and affordable food and fiber. Be it further

RESOLVED, That copies of this resolution be sent by the Secretary of State to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Majority and Minority Leaders of the United States Senate and House of Representatives, and each member of the Montana Congressional Delegation.

POM–56. A concurrent resolution adopted by the Senate of the Legislature of the State of Kansas urging Congress to allow interstate marketing of state inspected meat; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 1604

Whereas, the Federal Wholesale Meat Act of 1967 allows states to have state meat inspection programs which are required to meet or exceed federal inspection standards of the United States Department of Agriculture for wholesomeness, cleanliness and food safety; and

Whereas, Kansas is in the majority of states which have elected to operate equivalent meat inspection programs allowing state-licensed and state-inspected meat processing facilities to engage in intrastate commerce. Other states are pursuing implementation of state inspection of their meat processing facilities; and

Whereas, State meat inspection programs are flexible and can efficiently and safely adapt their activities to small, local meat processors that cannot be duplicated by the federal inspection program because of its size and complexity; and

Whereas, State-inspected meat and poultry products are currently barred from interstate commerce under federal law, including neighboring local markets in other states, despite current meat safety and quality assurances, affecting long-range rural development and economic growth strategies within the meat processing industry; and

Whereas, such limitation on marketing of state inspected meat inhibits economic development and value-added agricultural activities in this nation's agricultural sector; and

Whereas, current policy of the National Association of State Departments or Agriculture supports the interstate shipment of state-inspected meat products: Now, therefore, be it

Resolved by the Senate of the State of Kansas, the House of Representatives concurring therein, That we urge the United States Congress to enact revisions to the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow the interstate shipment and marketing of meat products by state inspected meat processing facilities; and be it further

Resolved, That the Secretary of State be directed to send an enrolled copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Agriculture and each member of the Kansas Congressional delegation.

POM–57. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan memorializing Congress to invest in Head Start and Quality Child Care; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 40

Whereas, Head Start and high-quality child care prepare children for school and life success by narrowing the educational achievement gap between lower- and upper-income kids, increasing high school graduation rates, and reducing crime.

Whereas, studies show that at-risk children who attend Head Start and high-quality child care are better prepared for school. For example, Head Start narrows the literacy skills gap by nearly half between children in poverty and all children. The research is clear that quality early childhood education programs work to prevent crime. In Ypsilanti, Michigan, three- and four-year-olds from low-income families who were randomly assigned to a group that did not receive preschool preparation were five times more likely to have become chronic lawbreakers by age 27 than those who were assigned to the High/Scope Educational Research Foundation's Perry Preschool program; and

Whereas, currently, only about half of eligible low-income children can attend Head Start due to state and federal funding limitations, and even fewer infants and toddlers. Less than five percent of eligible children three years old and younger are able to participate in Early Head Start. Moreover, only one in seven eligible children in working, low-income families receives help paying for quality child care through the Child Care and Development Block Grant. The combination of state and federal money for preschool has helped Michigan reach two of three at-risk four-year-olds and one of five at-risk three-year-olds; and

Whereas, Real dollar funding levels for Head Start and child care have been cut for the last several years, falling far behind the rising costs that programs face. Instead of reaching more eligible kids with comprehensive health, nutrition, and early education services, Head Start programs have been forced to shorten program hours, cut back staff, reduce parent coaching, and reduce transportation and other services that help families participate: Now, therefore, be it

Resolved, by the House of Representatives, That we memorialize the Congress of the United States to increase discretionary funding in the federal budget for 2008 by $750 million in additional funding over current levels for Head Start and $720 million in additional funding over current levels for the Child Care and Development Block Grant (CCDBG). This request does not address the unmet need in Head Start and CCDBG, but simply restores services to children to the Fiscal Year 2002 level. This is a crucial first step toward meeting the need to provide quality early childhood education and care for at-risk children. Investing in Head Start and quality child care now will improve education outcomes for our nation's at-risk children and will save lives and money down the road: and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–58. A concurrent resolution adopted by the Legislature of the State of North Dakota encouraging a recommitment to the ratification of the Equal Rights Amendment in all states and final passage in Congress; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 3032

Whereas, the proposed Equal Rights Amendment provides ''equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex'' and Congress sent the Equal Rights Amendment to the states for ratification on March 22, 1972; and

Whereas, on February 11, 1975, North Dakota became the 34th state to ratify the Equal Rights Amendment, due to the efforts of a broad spectrum of supporters, including the Coordinating Council for the Equal Rights Amendment, the 44th Legislative Assembly, and Senate Concurrent Resolution No. 4007 sponsors Senators Redlin and Lips and Representatives Homuth and Pyle; and

Whereas, many women worked all of their lives for a constitutional amendment affirming that women had equal rights and protections under the United States Constitution, including Alice Paul, Elizabeth Cady Stanton, and Susan B. Anthony; and

Whereas, 35 of the needed 38 states ratified the Equal Rights Amendment and without ratification the United States Constitution fails to guarantee female citizens equal rights and equal justice: Now, therefore, be it

Resolved by the House of Representatives of North Dakota, The Senate Concurring Therein, That the Sixtieth Legislative Assembly acknowledges the actions of the 44th Legislative Assembly of North Dakota and the sponsors of Senate Concurrent Resolution No. 4007 affirming the equal application of the United States Constitution to all citizens through the passage of the Equal Rights Amendment; and be it further

Resolved, That the Sixtieth Legislative Assembly declares Friday, March 9, 2007, North Dakota Equal Rights Amendment Recognition Day; and be it further

Resolved, That the Sixtieth Legislative Assembly encourages a recommitment to the ratification of the Equal Rights Amendment in all states and final passage in Congress; and be it further

Resolved, That the Secretary of State forward copies of this resolution to the Governor, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the North Dakota Congressional Delegation.

POM–59. A joint resolution adopted by the Legislature of the State of New Mexico memorializing Congress to fully fund medical care and aid and attendant care services for Honey Sue Newby and the other Level Three Spina Bifida children of parents who served in Vietnam and who are totally disabled; to the Committee on Veterans' Affairs.

Whereas, the Federal Department of Veterans Affairs acknowledges that one thousand two hundred children of Vietnam War veterans have some degree of disability resulting from their birth parents' exposure to Agent Orange during military service in the Vietnam War; and

Whereas, approximately two hundred of these children of war veterans are designated as level three spina bifida children, who are considered to be totally disabled; and

Whereas, these children, designated as totally disabled as a result of their birth parents' exposure to Agent Orange during military service in Vietnam, are in a situation that is indistinguishable from that of any one hundred percent service-connected disabled veteran who is totally disabled as the result of military service; and

Whereas, these two hundred level three spina bifida children of Vietnam War veterans are not treated equally with the disabled military veterans as regards compensatory medical care and aid and attendant care; and

Whereas, the financial cost for families of these children can be crippling, and many proud American military veterans and their families must depend on welfare or charity to provide the vital medical care and attendant care their children need; and

Whereas, at least one of these children, Honey Sue Newby, whose birth father served three tours as a Marine Infantryman in Vietnam, resides in New Mexico; and

Whereas, the Legislature seeks to honor and encourage fair treatment of all persons who have made personal sacrifices in the military defense of our nation: Now, therefore, be it

Resolved by the Legislature of the State of New Mexico, That it urge the United States Congress to provide full medical care and attendant care to Honey Sue Newby and the other level three spina bifida children who are totally disabled as a result of their birth parents' military service in Vietnam; and be it further

Resolved, That the New Mexico Congressional Delegation be requested to work vigorously for adequate funding to provide full medical care and aid and attendant care to all level three spina bifida children who are totally disabled because of the effects of Agent Orange used in Vietnam; and be it further

Resolved, That copies of this memorial be transmitted to each member of the Congressional Delegation, the Chief Clerks of the United States House of Representatives and the United States Senate and the United States Department of Veterans Affairs.

POM–60. A resolution adopted by the Miami-Dade County Board of County Commissioners directing the County Manager to study the creation of a voluntary ''Miami-Dade Trans Fat Free Program'' and a program to provide education and guidance to restaurants, bakeries and the public regarding the negative health effects of trans fats; to the Committee on Agriculture, Nutrition, and Forestry.

POM–61. A resolution adopted by the Board of Commissioners of the County of Armstrong of the State of Pennsylvania urging Congress to place a moratorium on new free trade agreements, and to investigate and review current free trade agreements and policies of the United States; to the Committee on Finance.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of April 12, 2007, the following reports of committes were submitted on April 13, 2007:

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 3. A bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAYH:

S. 1109. A bill to increase funding for the National Institutes of Health to carry out breast cancer research and to amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the ''Welcome to Medicare'' physical examination and to eliminate coinsurance for screening mammography and colorectal cancer screening tests in order to promote the early detection of cancer; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 1110. A bill 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; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 1111. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1112. A bill to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAYH (for himself and Mrs. CLINTON):

S. 1113. A bill to facilitate the provision of care and services for members of the Armed Forces for traumatic brain injury, and for other purposes; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself and Mr. SPECTER):

S. 1114. A bill to reiterate the exclusivity of the Foreign Intelligence Surveillance Act of 1978 as the sole authority to permit the conduct of electronic surveillance, to modernize surveillance authorities, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. DORGAN, Mr. LUGAR, Mr. AKAKA, Ms. MURKOWSKI, and Mr. CRAIG):

S. 1115. A bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mr. THOMAS):

S. 1116. A bill to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mr. DODD):

S. 1117. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 1118. A bill to improve the energy security of the United States by raising average fuel economy standards, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 1119. A bill to extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself, Mr. WEBB, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 149. A resolution expressing the condolences of the Senate on the tragic events at Virginia Tech University; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 117

At the request of Mr. OBAMA, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. BROWN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 413

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 428

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 428, a bill to amend the Wireless Communications and Public Safety Act of 1999, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was withdrawn as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

At the request of Mr. BAYH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 522, supra.

S. 545

At the request of Mr. LOTT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 634

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 689

At the request of Mr. LUGAR, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 689, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury

and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 773

At the request of Mr. WARNER, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 795

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 795, a bill to assist aliens who have been lawfully admitted in becoming citizens of the United States, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 831

At the request of Mr. DURBIN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 836

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 836, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 880

At the request of Mr. STEVENS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 880, a bill to amend the Congressional Accountability Act of 1995 to provide for 8 weeks of paid leave for Senate employees giving birth, and for other purposes.

S. 881

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 904

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 904, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1012

At the request of Ms. LANDRIEU, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1038

At the request of Mr. CORNYN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1065

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1065, a bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes.

S. 1074

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1074, a bill to provide for direct access to electronic tax return filing, and for other purposes.

S. 1084

At the request of Mr. OBAMA, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1084, a bill to provide housing assistance for very low-income veterans.

S. 1088

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1088, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to market exclusivity for certain drugs, and for other purposes.

S. 1105

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1105, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. RES. 106

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 118

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 141

At the request of Mrs. CLINTON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 141, a resolution urging all member countries of the International Commission of the International Tracing Service who have yet to ratify the May 2006 amendments to the 1955 Bonn Accords to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany.

S. RES. 146

At the request of Mr. ALEXANDER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 146, a resolution designating June 20, 2007, as ''American

Eagle Day'', and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. BENNETT):

S. 1110. A bill 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; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to reinforce the importance of water resource development projects in Juab County, UT, by introducing the Juab County Surface and Ground Water Study and Development Act of 2007, S. 1110. This legislation would amend the Reclamation Projects Authorization and Adjustment Act of 2005 to include Juab County.

Juab County's inclusion in that Act would allow the County to use Central Utah Project funds to complete water resource development projects, thus enabling the County to better utilize their existing water resources. I hope that by passing this legislation, we will ensure that farmers, ranchers, and other citizens of Juab County will have a reliable water supply and a buffer in times of drought.

Under the original plan for the Bonneville Unit of the Central Unit Project, several counties in central Utah, including Juab, were to receive supplemental water through an irrigation and drainage delivery system. Over the years, however, many central Utah Counties have elected not to participate in the plan and no longer pay the requisite taxes to the Central Utah Water Conservancy District, the political division of the State of Utah established to manage Central Utah Project activities in Utah.

Juab County, on the other hand, remained active in the Central Utah Water Conservatory District's efforts and has paid millions in property taxes to the District in hopes of benefitting from its membership. Currently, most of the water allocated to the Bonneville Unit of the Central Utah Project is planned for use in Wasatch, Salt Lake, and Utah Counties. This legislation would simply ensure that the citizens of Juab County can benefit from the system that they have financially supported for so many years.

I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Juab County Surface and Ground Water Study and Development Act of 2007''.

SEC. 2. CONJUNCTIVE USE OF SURFACE AND GROUND WATER, CENTRAL UTAH PROJECT.

Section 202(a)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4609) is amended by inserting ''Juab,'' after ''Davis,''.

By Mr. WYDEN:

S. 1111. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, I have come to the floor to talk a bit about taxes. Millions of Americans are scrambling today to file their taxes, trying to pull together their 1040 forms and ''schedule this'' and ''form that'' and are plowing through shoe boxes and filing cabinets trying to find the receipts they accumulated all through this year.

Millions of our citizens have to calculate their taxes twice to find out the hard way that they have been ensnared in the alternative minimum tax and that they have to pay a much larger burden than they had expected. I believe there is a better way for our country to handle taxes, one where most Americans do not have to fear tax day, do not have to shell out billions of dollars in order to file their taxes, do not have to worry about getting crushed by the alternative minimum tax that years ago, when it was created, was not supposed to clobber middle-class folks in the Pacific Northwest and across the country.

Today I am introducing the Fair Flat Tax Act, along with my colleague in the other body, Congressman RAHM EMANUEL of Illinois. What we are doing in our fair flat tax legislation is offering the country a proposal that offers the administrative simplicity of a flat tax with the sense of fairness and progressivity that our country has always wanted in our tax system.

The tax reform proposal we have developed is simpler because it is easier to understand and use. Our legislation will include a simplified 1040 form, one page, 30 lines for every individual taxpayer.

The folks at Money magazine, the financial publication, took this one-page 1040 form, and they were able to fill out their taxes in 15 minutes.

We also make the tax system flatter by collapsing the current system of six individual tax brackets down to three brackets of 15, 25 and 35 percent. We create a flat corporate rate of 35 percent.

The plan is fairer because we do more to make it possible for middle-class folks to get ahead. We are able to give a tax cut to millions of middle-class families because we eliminate scores and scores of special-interest tax breaks, close those loopholes, that, in effect, drain the country of revenue and never find their way to helping the middle class.

We make a radical statement about tax law in our legislation. We say something is out of whack when the cop who is walking the beat in this country pays a lot higher tax rate than the person who makes all their money in the stock market. I wish to make it clear: we want everybody to get ahead, we want everybody to do well, we never want to penalize success. But let's make it possible for all Americans to share the American dream and not just the fortunate few.

Under the current Federal Tax Code, all income is not treated fairly. My colleague in the other body, Congressman EMANUEL, and I would change that. We are not interested in soaking investors. We believe in markets. We believe in creating wealth. But we want everybody to be able to share in that wealth, and under the Fair Flat Tax, they would be able to do it.

The Fair Flat Tax adopts the flat tax idea to provide real relief to the middle class through fewer exclusions, exemptions, deductions deferrals, credits and special rates for certain favored businesses, very often, breaks that have been added to the Tax Code because those powerful interests have lobbyists that the middle-class folks we represent do not.

We triple the standard deduction for single filers from $5,000 to $15,000 and from $10,000 to $30,000 for married couples. As a result, the vast majority of Americans would be better off claiming the standard deduction than having to itemize their deductions, so their filing will be simplified. We do keep the key deductions most used by middle-income folks across the country. We keep the deduction for mortgage interest and charity. We keep the credits for children, for education, and earned income.

Nobody would have to calculate their taxes twice under the Fair Flat Tax Act. Our proposal eliminates the individual alternative minimum tax which could ensnare as many as 100 million taxpayers by the end of the decade. We eliminate an estimated $20 billion each year in special breaks for special interests.

Eliminating those breaks would sustain current benefits for our men and women in uniform, our veterans, our elderly, and our disabled, as well as those tax incentives that promote savings and help our families pay for medical care and for education.

I think an especially important feature of the Fair Flat Tax Act is it corrects one of the most glaring inequities in the current tax system; and that is regressive State and local taxes. Under current law, low- and middle-income taxpayers get hit with a double whammy. Compared to wealthier folks, they pay more of their income in State and local taxes. Poor families pay more than 11 percent and middle-income families pay about 10 percent of their

income in State and local taxes, while the wealthier pay only about 5 percent.

Because many low- and middle-income taxpayers do not itemize, they get no credit on their Federal form for paying State and local taxes. In fact, two-thirds of the Federal tax deduction for State and local taxes goes to those with incomes above $100,000 a year. Under the Fair Flat Tax Act, for the first time, the Federal Code would look at the entire picture of one's taxes, at an individual's combined Federal, State, and local tax burden, and give a credit to low- and middle-income individuals to correct for regressive State and local taxes.

Repealing some individual tax credits, deductions, and exclusions from income—along with eliminating some of those special interest favors in the corporate Tax Code—enables larger standard deductions and broader middle-class tax relief.

What this means is that, according to the Congressional Research Service, under our legislation, the vast majority of taxpayers would see their taxes go down. The Congressional Research Service has advised us that on average, middle-class families and individuals with wage and salary incomes up to $150,000 would see tax relief. Let me repeat that. We are talking about on average, tax relief for middle-class families and families with wage and salary incomes up to approximately $150,000. Middle-class folks in our country would get a tax break.

The legislation also makes concrete progress toward deficit reduction. Certainly, there is a long way to go to stop the hemorrhaging in the Federal budget, but this legislation makes a decent start by allowing us to start lowering the Federal deficit in 2011. It is essentially a revenue-neutral kind of system. But certainly, as we look to the future, this is going to allow us to start lowering the Federal deficit.

I also point out, by simplifying the Code, there are going to be other benefits. For example, we have heard a great deal about the tax gap in the Finance and Budget Committees. It is one of the most serious problems our country faces as it relates to finance in America. Upwards of $300 billion of money that is owed to our government is not collected. Given the fact we have a system today where people are able to flout the rules, change the system, why not go to a simpler system that makes it harder for individuals to cheat and easier for the IRS to catch those who do?

If you look at what I have proposed, the Fair Flat Tax Act—a 1040 form that is only 30 lines long—it is going to be a lot harder to cheat the system under a proposal such as this, and it is going to be a lot easier for the IRS to catch those who try to take advantage of something such as this.

I believe the Fair Flat Tax Act can make a significant contribution in helping this country collect those taxes that are owed and raise a significant amount of revenue from a source that does not increase taxes. What we are proposing with our fair flat tax legislation is a win for everybody except those who would try to rip off the system.

I am introducing the Fair Flat Tax Act of 2007 today to provide Americans a plan based on common sense principles that can make the Tax Code work better. We are going to have a system that is simpler and we are going to have a system that is fairer because it closes scores of those special interest loopholes. It gets rid of the despised alternative minimum tax, and it gives everybody a chance to get ahead in America.

It is not about class warfare. It is not about pitting one group against another. It is about giving everybody the opportunity to be a winner and to get ahead to provide for their family and ensure that when they are successful, their success can allow them to do well financially.

I do think it is important to make sure those who work for a wage get fair treatment. That has not been the case today. I want investors to do well. We all look to the stock market as a major barometer of economic prosperity in our country. But let's make sure everybody has an opportunity to get ahead. Something is seriously wrong when somebody who works for a wage gets hit with a lot higher tax rate than somebody who makes their money as an investor.

I hope we can go forward in a bipartisan way on the issue of tax reform. I am extremely disappointed the Bush administration has not chosen to follow up on tax reform. I think it is especially unfortunate, given the fact the President had a commission that had a number of good ideas as it relates to tax reform. I certainly did not agree with all of them, but let me talk about one example of how the Congress could work with the Bush administration in a bipartisan way.

I have shown this fair flat tax form I am proposing for a reason; and that is, because I think it is an ideal way for the administration and Democrats and Republicans to work together. My form is 30 lines long—30 lines long—and you can fill it out in under an hour. The President's commission had a form that is maybe six, seven lines longer—just a handful of additional lines. For purposes of Government work, there is virtually no difference between the simplified form I am proposing and what the President's commission has called for. We could get Democrats and Republicans together to work on tax reform and come up with a simplified form in a matter of days.

There is very little difference between what I am proposing and what came out of the President's commission.

But what is going to be important is that the President reach out to Democrats and Republicans in the Congress and say: Look, I want to work with you on simplifying the Tax Code. I want to work with you to hold down rates for everybody by closing out some of those special interest breaks. I want to see everybody have an opportunity to get ahead.

That certainly is what President Reagan did in 1986, when he worked with another tall fellow who served on the Senate Finance Committee, our former colleague Senator Bill Bradley. I went to school on a basketball scholarship. My jump shot is not quite as good as Bill Bradley's, but I sure know the value of bipartisan teamwork.

So today, the day before taxes are owed, I want to renew my offer to the Bush administration to work with them on the issue of tax reform. It is a natural for bipartisan leadership. We have a model; and that is, the reform of 1986, where, again, they simplified the system. They cleaned out the clutter. They got rid of some of those special interest loopholes. They held down rates for everybody. It was good for our country. We can do that again.

The fair flat tax legislation I am introducing today provides an opportunity for Democrats and Republicans to come together to fix the Tax Code in 2007, the way Democrats and Republicans did back in 1986, when the late President Reagan and Bill Bradley came together and led a bipartisan effort.

I think it is time to do that again. Most people clean out their attic every 20 years or so. We ought to clean the Tax Code every 20 years as well. I think we know how to proceed. The question is whether there is political will. I urge the Bush administration to work with Democrats and Republicans in the Congress because the current tax system, which has subjected our citizens to so much hassle and bureaucracy over the last few months, does not have to be that way. There is an alternative. I have presented one. The President's commission has presented one. Democrats and Republicans working together can do better.

I urge the President to look to the Congress, leaders of both political parties, to move forward on tax reform in the days ahead.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fair Flat Tax Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act 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.

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

SEC. 2. PURPOSE.

The purpose of this Act is to amend the Internal Revenue Code of 1986—

(1) to make the Federal individual income tax system simpler, fairer, and more transparent by—

(A) recognizing the overall Federal, State, and local tax burden on individual Americans, especially the regressive nature of State and local taxes, and providing a Federal income tax credit for State and local income, sales, and property taxes,

(B) providing for an earned income tax credit for childless taxpayers and a new earned income child credit,

(C) repealing the individual alternative minimum tax,

(D) increasing the basic standard deduction and maintaining itemized deductions for principal residence mortgage interest and charitable contributions,

(E) reducing the number of exclusions, exemptions, deductions, and credits, and

(F) treating all income equally,

(2) to make the Federal corporate income tax rate a flat 35 percent and eliminate special tax preferences that favor particular types of businesses or activities, and

(3) to partially offset the Federal budget deficit through the increased fiscal responsibility resulting from these reforms.

TITLE I—INDIVIDUAL INCOME TAX REFORMS

SEC. 101. 3 PROGRESSIVE INDIVIDUAL INCOME TAX RATES FOR ALL FORMS OF INCOME.

(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The table contained in section 1(a) is amended to read as follows:

"If taxable income is:	The tax is:
Not over $30,000	15% of taxable income.
Over $30,000 but not over $120,000.	$4,500, plus 25% of the excess over $30,000
Over $120,000	$27,000, plus 35% of the excess over $120,000''.

(b) HEADS OF HOUSEHOLDS.—The table contained in section 1(b) is amended to read as follows:

"If taxable income is:	The tax is:
Not over $16,000	15% of taxable income.
Over $16,000 but not over $105,000.	$2,400, plus 25% of the excess over $16,000
Over $105,000	$24,650, plus 35% of the excess over $105,000''.

(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—The table contained in section 1(c) is amended to read as follows:

"If taxable income is:	The tax is:
Not over $15,000	15% of taxable income.
Over $15,000 but not over $60,000.	$2,250, plus 25% of the excess over $15,000
Over $60,000	$13,500, plus 35% of the excess over $60,000''.

(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—The table contained in section 1(d) is amended to read as follows:

"If taxable income is:	The tax is:
Not over $15,000	15% of taxable income.
Over $15,000 but not over $60,000.	$2,250, plus 25% of the excess over $15,000
Over $60,000	$13,500, plus 35% of the excess over $60,000''.

(e) CONFORMING AMENDMENTS TO INFLATION ADJUSTMENT.—Section 1(f) is amended—

(1) by striking ''1993''in paragraph (1) and inserting ''2008'',

(2) by striking ''except as provided in paragraph (8)'' in paragraph (2)(A),

(3) by striking ''1992'' in paragraph (3)(B) and inserting ''2007'',

(4) by striking paragraphs (7) and (8), and

(5) by striking ''PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET;'' in the heading thereof.

(f) REPEAL OF RATE DIFFERENTIAL FOR CAPITAL GAINS AND DIVIDENDS.—

(1) REPEAL OF 2003 RATE REDUCTION.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking ''December 3, 2008'' and inserting ''December 31, 2007''.

(2) TERMINATION OF PRE-2003 CAPITAL GAIN RATE DIFFERENTIAL.—Section 1(h) is amended (after the application of paragraph (1)) by adding at the end the following new paragraph:

''(13) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2007.''.

(g) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 1 is amended by striking subsection (i).

(2) The Internal Revenue Code of 1986 is amended by striking ''calendar year 1992'' each place it appears and inserting ''calendar year 2007''.

(3) Section 1445(e)(1) (after the application of subsection (g)(1)) is amended by striking ''(or, to the extent provided in regulations, 20 percent)''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. HEALTH CARE STANDARD DEDUCTION.

(a) IN GENERAL.—Section 62(a) (defining adjusted gross income) is amended by inserting after paragraph (21) the following new paragraph:

''(22) INDIVIDUAL SHARED RESPONSIBILITY PAYMENTS.—

''(A) IN GENERAL.—In the case of a taxpayer with gross income for the taxable year exceeding 100 percent of the poverty line (adjusted for the size of the family involved) for the calendar year in which such taxable year begins and who is enrolled in a HAPI plan under the Healthy Americans Act, the deduction allowable under section 213 by reason of subsection (d)(1)(D) thereof (determined without regard to any income limitation under subsection (a) thereof) in an amount equal to the applicable fraction times, in the case of—

''(i) coverage of an individual, $6,025,

''(ii) coverage of a married couple or domestic partnership (as determined by a State) without dependent children, $12,050,

''(iii) coverage of an unmarried individual with 1 or more dependent children, $8,610, plus $2,000 for each dependent child, and

''(iv) coverage of a married couple or domestic partnership (as determined by a State) with 1 or more dependent children, $15,210, plus $2,000 for each dependent child.

''(B) APPLICABLE FRACTION.—For purposes of subparagraph (A), the applicable fraction is the fraction (not to exceed 1)—

''(i) the numerator of which is the gross income of the taxpayer for the taxable year expressed as a percentage of the poverty line

(adjusted for the size of the family involved) minus such poverty line for the calendar year in which such taxable year begins, and

''(ii) the denominator of which is 400 percent of the poverty line (adjusted for the size of the family involved) minus such poverty line.

''(C) PHASEOUT OF DEDUCTION AMOUNT.—

''(i) IN GENERAL.—The amount otherwise determined under subparagraph (A) for any taxable year shall be reduced by the amount determined under clause (ii).

''(ii) AMOUNT OF REDUCTION.—The amount determined under this clause shall be the amount which bears the same ratio to the amount determined under subparagraph (A) as—

''(I) the excess of the taxpayer's modified adjusted gross income for such taxable year, over $62,500 ($125,000 in the case of a joint return), bears to

''(II) $62,500 ($125,000 in the case of a joint return).

Any amount determined under this clause which is not a multiple of $1,000 shall be rounded to the next lowest $1,000.

''(D) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2009, each dollar amount contained in subparagraph (A) and subparagraph (C)(ii)(I) shall be increased by an amount equal to such dollar amount, multiplied by the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof. Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $50 ($1,000 in the case of the dollar amount contained in subparagraph (C)(ii)(I)).

''(E) DETERMINATION OF MODIFIED ADJUSTED GROSS INCOME.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'modified adjusted gross income' means adjusted gross income—

''(ii) determined without regard to this section and sections 86, 135, 137, 199, 221, 222, 911, 931, and 933, and

''(iii) increased by—

''(I) the amount of interest received or accrued during the taxable year which is exempt from tax under this title, and

''(II) the amount of any social security benefits (as defined in section 86(d)) received or accrued during the taxable year.

''(F) POVERTY LINE.—For purposes of this paragraph, the term 'poverty line' has the meaning given such term in section 673(2) of the Community Health Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.''.

(b) CONFORMING AMENDMENT.—Section 213(d)(1)(D) is amended by inserting ''amounts paid under section 3421 and'' after ''including''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 103. INCREASE IN BASIC STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) (defining standard deduction) is amended to read as follows:

''(2) BASIC STANDARD DEDUCTION.—For purposes of paragraph (1), the basic standard deduction is—

''(A) 200 percent of the dollar amount in effect under subparagraph (C) for the taxable year in the case of—

''(i) a joint return, or

''(ii) a surviving spouse (as defined in section 2(a)),

''(B) $26,250 in the case of a head of household (as defined in section 2(b)), reduced by any deduction allowed under section 62(a)(22) for such taxable year, or

''(C) $15,000 in any other case, reduced by any deduction allowed under section 62(a)(22) for such taxable year.''.

(b) CONFORMING AMENDMENT TO INFLATION ADJUSTMENT.—Section 63(c)(4)(B)(i) is amended by striking ''(2)(B), (2)(C), or''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 104. REFUNDABLE CREDIT FOR STATE AND LOCAL INCOME, SALES, AND REAL AND PERSONAL PROPERTY TAXES.

(a) GENERAL RULE.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. CREDIT FOR STATE AND LOCAL INCOME, SALES, AND REAL AND PERSONAL PROPERTY TAXES.

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 10 percent of the qualified State and local taxes paid by the taxpayer for such year.

''(b) QUALIFIED STATE AND LOCAL TAXES.—For purposes of this section, the term 'qualified State and local taxes' means—

''(1) State and local income taxes,

''(2) State and local general sales taxes,

''(3) State and local real property taxes, and

''(4) State and local personal property taxes.

''(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) STATE OR LOCAL TAXES.—A State or local tax includes only a tax imposed by a State, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia.

''(2) GENERAL SALES TAXES.—

''(A) IN GENERAL.—The term 'general sales tax' means a tax imposed at one rate with respect to the sale at retail of a broad range of classes of items.

''(B) APPLICATION OF RULES.—Rules similar to the rules under subparagraphs (C), (D), (E), (F), (G), and (H) of section 164(b)(5) shall apply.

''(3) PERSONAL PROPERTY TAXES.—The term 'personal property tax' means an ad valorem tax which is imposed on an annual basis in respect of personal property.

''(4) APPLICATION OF RULES TO PROPERTY TAXES.—Rules similar to the rules of subsections (c) and (d) of section 164 shall apply.

''(5) NO CREDIT FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

''(6) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(7) DENIAL OF DOUBLE BENEFIT.—Any amount taken into account in determining the credit allowable under this section may not be taken into account in determining any credit or deduction under any other provision of this chapter.''.

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''or from section 36 of such Code'' before the period at the end.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 36 and inserting the following:

''Sec. 36. Credit for state and local income, sales, and real and personal property taxes

''Sec. 37. Overpayments of tax''.

(c) REPORT REGARDING USE OF CREDIT BY RENTERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives recommendations regarding the treatment of a portion of rental payments in a manner similar to real property taxes under section 36 of the Internal Revenue Code of 1986 (as added by this section).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 105. EARNED INCOME CHILD CREDIT AND EARNED INCOME CREDIT FOR CHILDLESS TAXPAYERS.

(a) IN GENERAL.—Subsection (a) of section 32 (relating to earned income) is amended to read as follows:

''(a) ALLOWANCE OF EARNED INCOME CHILD CREDIT AND EARNED INCOME CREDIT.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year—

''(A) in the case of any eligible individual with 1 or more qualifying children, an amount equal to the earned income child credit amount, and

''(B) in the case of any eligible individual with no qualifying children, an amount equal to the earned income credit amount.

''(2) EARNED INCOME CHILD CREDIT AMOUNT.—For purposes of this section, the earned income child credit amount is equal to the sum of—

''(A) the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed the earned income limit amount, plus

''(B) the supplemental child credit amount determined under subsection (n) for such taxable year.

''(3) EARNED INCOME CREDIT AMOUNT.—For purposes of this section, the earned income credit amount is equal to the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed the earned income limit amount.

''(4) LIMITATION.—The amount of the credit allowable to a taxpayer under paragraph (2)(A) or (3) for any taxable year shall not exceed the excess (if any) of—

''(A) the credit percentage of the earned income amount, over

''(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the phaseout amount.''.

(b) SUPPLEMENTAL CHILD CREDIT AMOUNT.—Section 32 is amended by adding at the end the following new subsection:

''(n) SUPPLEMENTAL CHILD CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of subsection (a)(2)(B), the supplemental child credit amount for any taxable year is equal to the lesser of—

''(A) the credit which would be allowed under section 24 for such taxable year without regard to the limitation under section 24(b)(3) with respect to any qualifying child as defined under subsection (c)(3), or

''(B) the amount by which the aggregate amount of credits allowed by subpart A for such taxable year would increase if the limitation imposed by section 24(b)(3) were increased by the excess (if any) of—

''(i) 15 percent of so much of the taxpayer's earned income which is taken into account in computing taxable income for the taxable year as exceeds $10,000, or

''(ii) in the case of a taxpayer with 3 or more qualifying children (as so defined), the excess (if any) of—

''(I) the taxpayer's social security taxes for the taxable year, over

''(II) the credit allowed under this section for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under subpart A and shall reduce the amount of credit otherwise allowable under section 24(a) without regard to section 24(b)(3).

''(2) SOCIAL SECURITY TAXES.—For purposes of paragraph (1)—

''(A) IN GENERAL.—The term 'social security taxes' means, with respect to any taxpayer for any taxable year—

''(i) the amount of the taxes imposed by section 3101 and 3201(a) on amounts received by the taxpayer during the calendar year in which the taxable year begins,

''(ii) 50 percent of the taxes imposed by section 1401 on the self-employment income of the taxpayer for the taxable year, and

''(iii) 50 percent of the taxes imposed by section 3211(a)(1) on amounts received by the taxpayer during the calendar year in which the taxable year begins.

''(B) COORDINATION WITH SPECIAL REFUND OF SOCIAL SECURITY TAXES.—The term 'social security taxes' shall not include any taxes to the extent the taxpayer is entitled to a special refund of such taxes under section 6413(c).

''(C) SPECIAL RULE.—Any amounts paid pursuant to an agreement under section 3121(l) (relating to agreements entered into by American employers with respect to foreign affiliates) which are equivalent to the taxes referred to in subparagraph (A)(i) shall be treated as taxes referred to in such paragraph.

''(3) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2007, the $10,000 amount contained in paragraph (1)(B) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

''Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $50.''.

(c) CONFORMING AMENDMENT.—Section 24(d) is amended by adding at the end the following new paragraph:

''(4) TERMINATION.—This subsection shall not apply with respect to any taxable year beginning after December 31, 2007.''.

(d) CERTAIN TREATMENT OF EARNED INCOME MADE PERMANENT.—Clause (vi) of section 32(c)(2)(B) is amended to read as follows:

''(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.''.

(e) REPEAL OF DISQUALIFIED INVESTMENT INCOME TEST.—Subsection (i) of section 32 is repealed.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 106. REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 55(a) (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

''For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2007, shall be zero.''.

(b) MODIFICATION OF LIMITATION ON USE OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY.—Subsection (c) of section 53 (relating to credit for prior year minimum tax liability) is amended to read as follows:

''(c) LIMITATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

''(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

''(B) the tentative minimum tax for the taxable year.

''(2) TAXABLE YEARS BEGINNING AFTER 2007.—In the case of any taxable year beginning after 2007, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 107. TERMINATION OF VARIOUS EXCLUSIONS, EXEMPTIONS, DEDUCTIONS, AND CREDITS.

(a) IN GENERAL.—Subchapter C of chapter 90 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

''SEC. 7875. TERMINATION OF CERTAIN PROVISIONS.

''The following provisions shall not apply to taxable years beginning after December 31, 2007:

''(1) Section 67 (relating to 2-percent floor on miscellaneous itemized deductions).

''(2) Section 74(c) (relating to exclusion of certain employee achievement awards).

''(3) Section 79 (relating to exclusion of group-term life insurance purchased for employees).

''(4) Section 119 (relating to exclusion of meals or lodging furnished for the convenience of the employer).

''(5) Section 125 (relating to exclusion of cafeteria plan benefits).

''(6) Section 132 (relating to certain fringe benefits), except with respect to subsection (a)(5) thereof (relating to exclusion of qualified transportation fringe).

''(7) Section 163(h)(4)(A)(i)(II) (relating to definition of qualified residence).

''(8) Section 165(d) (relating to deduction for wagering losses).

''(9) Section 217 (relating to deduction for moving expenses).

''(10) Section 454 (relating to deferral of tax on obligations issued at discount).

''(11) Section 501(c)(9) (relating to tax-exempt status of voluntary employees' beneficiary associations).

''(12) Section 911 (relating to exclusion of earned income of citizens or residents of the United States living abroad).

''(13) Section 912 (relating to exemption for certain allowances).''.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 90 is amended by adding at the end the following new item:

''Sec. 7875. Termination of certain provisions''.

TITLE II—CORPORATE AND BUSINESS INCOME TAX REFORMS

SEC. 201. CORPORATE FLAT TAX.

(a) IN GENERAL.—Subsection (b) of section 11 (relating to tax imposed) is amended to read as follows:

''(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be equal to 35 percent of the taxable income.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 280C(c)(3)(B)(ii)(II) is amended by striking ''maximum rate of tax under section 11(b)(1)'' and inserting ''rate of tax under section 11(b)''.

(2) Sections 860E(e)(2)(B), 860E(e)(6)(A)(ii), 860K(d)(2)(A)(ii), 860K(e)(1)(B)(ii), 1446(b)(2)(B), and 7874(e)(1)(B) are each amended by striking ''highest rate of tax specified in section 11(b)(1)'' and inserting ''rate of tax specified in section 11(b)''.

(3) Section 904(b)(3)(D)(ii) is amended by striking ''(determined without regard to the last sentence of section 11(b)(1))''.

(4) Section 962 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(5) Section 1201(a) is amended by striking ''(determined without regard to the last 2 sentences of section 11(b)(1))''.

(6) Section 1561(a) is amended—

(A) by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively,

(B) by striking ''The amounts specified in paragraph (1), the'' and inserting ''The'',

(C) by striking ''paragraph (2)'' and inserting ''paragraph (1)'',

(D) by striking ''paragraph (3)'' both places it appears and inserting ''paragraph (2)'',

(E) by striking ''paragraph (4)'' and inserting ''paragraph (3)'', and

(F) by striking the fourth sentence.

(7) Subsection (b) of section 1561 is amended to read as follows:

''(b) CERTAIN SHORT TAXABLE YEARS.—If a corporation has a short taxable year which does not include a December 31 and is a component member of a controlled group of corporations with respect to such taxable year, then for purposes of this subtitle, the amount to be used in computing the accumulated earnings credit under section 535(c)(2) and (3) of such corporation for such taxable year shall be the amount specified in subsection (a)(1) divided by the number of corporations which are component members of such group on the last day of such taxable year. For purposes of the preceding sentence, section 1563(b) shall be applied as if such last day were substituted for December 31.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. TREATMENT OF TRAVEL ON CORPORATE AIRCRAFT.

(a) IN GENERAL.—Section 162 (relating to trade or business expenses) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

''(q) TREATMENT OF TRAVEL ON CORPORATE AIRCRAFT.—The rate at which an amount allowable as a deduction under this chapter for the use of an aircraft owned by the taxpayer is determined shall not exceed the rate at which an amount paid or included in income by an employee of such taxpayer for the personal use of such aircraft is determined.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. TERMINATION OF VARIOUS PREFERENTIAL TREATMENTS.

(a) IN GENERAL.—Section 7875, as added by section 107, is amended—

(1) by inserting ''(or transactions in the case of sections referred to in paragraphs (21), (22), (23), (24), and (27))'' after ''taxable years beginning'', and

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

''(14) Section 43 (relating to enhanced oil recovery credit).

''(15) Section 263(c) (relating to intangible drilling and development costs in the case of oil and gas wells and geothermal wells).

''(16) Section 382(l)(5) (relating to exception from net operating loss limitations for corporations in bankruptcy proceeding).

''(17) Section 451(i) (relating to special rules for sales or dispositions to implement

Federal Energy Regulatory Commission or State electric restructuring policy).

''(18) Section 453A (relating to special rules for nondealers), but only with respect to the dollar limitation under subsection (b)(1) thereof and subsection (b)(3) thereof (relating to exception for personal use and farm property).

''(19) Section 460(e)(1) (relating to special rules for long-term home construction contracts or other short-term construction contracts).

''(20) Section 613A (relating to percentage depletion in case of oil and gas wells).

''(21) Section 616 (relating to development costs).

''(22) Sections 861(a)(6), 862(a)(6), 863(b)(2), 863(b)(3), and 865(b) (relating to inventory property sales source rule exception).''.

(b) FULL TAX RATE ON NUCLEAR DECOMMISSIONING RESERVE FUND.—Subparagraph (B) of section 468A(e)(2) is amended to read as follows:

''(B) RATE OF TAX.—For purposes of subparagraph (A), the rate set forth in this subparagraph is 35 percent.''.

(c) DEFERRAL OF ACTIVE INCOME OF CONTROLLED FOREIGN CORPORATIONS.—Section 952 (relating to subpart F income defined) is amended by adding at the end the following new subsection:

''(e) SPECIAL APPLICATION OF SUBPART.—

''(1) IN GENERAL.—For taxable years beginning after December 31, 2007, notwithstanding any other provision of this subpart, the term 'subpart F income' means, in the case of any controlled foreign corporation, the income of such corporation derived from any foreign country.

''(2) APPLICABLE RULES.—Rules similar to the rules under the last sentence of subsection (a) and subsection (d) shall apply to this subsection.''.

(d) DEFERRAL OF ACTIVE FINANCING INCOME.—Section 953(e)(10) is amended—

(1) by striking ''January 1, 2009'' and inserting ''January 1, 2008'', and

(2) by striking ''December 31, 2008'' and inserting ''December 31, 2007''.

(e) DEPRECIATION ON EQUIPMENT IN EXCESS OF ALTERNATIVE DEPRECIATION SYSTEM.—Section 168(g)(1) (relating to alternative depreciation system) is amended by striking ''and'' at the end of subparagraph (D), by adding ''and'' at the end of subparagraph (E), and by inserting after subparagraph (E) the following new subparagraph:

''(F) notwithstanding subsection (a), any tangible property placed in service after December 31, 2007,''.

(f) EFFECTIVE DATE.—The amendments made by subsections (b), (c), and (d) shall apply to taxable years beginning after December 31, 2007.

SEC. 204. ELIMINATION OF TAX EXPENDITURES THAT SUBSIDIZE INEFFICIENCIES IN THE HEALTH CARE SYSTEM.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives recommendations regarding the elimination of Federal tax incentives which subsidize inefficiencies in the health care system and if eliminated would result in Federal budget savings of not less than $10,000,000,000 annually.

SEC. 205. PASS-THROUGH BUSINESS ENTITY TRANSPARENCY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the implementation of additional reporting requirements with respect to any pass-through entity with the goal of the reduction of tax avoidance through the use of such entities, In addition, the Secretary shall develop procedures to share such report data with State revenue agencies under the disclosure requirements of section 6103(d) of the Internal Revenue Code of 1986.

SEC. 206. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

''(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 207. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) GENERAL RULE.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2006, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) LAYER ADJUSTMENT AMOUNT.—For purposes of this section—

(1) IN GENERAL.—The term ''layer adjustment amount'' means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) BARREL-OF-OIL EQUIVALENT.—The term ''barrel-of-oil equivalent'' has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) APPLICATION OF REQUIREMENT.—

(1) NO CHANGE IN METHOD OF ACCOUNTING.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) UNDERPAYMENTS OF ESTIMATED TAX.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) APPLICABLE INTEGRATED OIL COMPANY.—For purposes of this section, the term ''applicable integrated oil company'' means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2006. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 208. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULES RELATING TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

''(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

''(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

''(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

''(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) GENERALLY APPLICABLE INCOME TAX.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

''(B) EXCEPTIONS.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

''(i) persons who are not dual capacity taxpayers, and

''(ii) persons who are citizens or residents of the foreign country or possession.

''(4) LARGE INTEGRATED OIL COMPANY.—For purposes of this subsection, the term 'large integrated oil company' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

''(A) had gross receipts in excess of $1,000,000,000 for such taxable year, and

''(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 209. REPEAL OF LOWER OF COST OR MARKET VALUE OF INVENTORY RULE.

(a) IN GENERAL.—Subsection (a) of section 471 (relating to general rules for inventories) is amended to read as follows:

''(a) GENERAL RULE.—Whenever in the opinion of the Secretary the use of inventories is necessary in order clearly to determine the income of the taxpayer, inventories shall be valued at cost.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 210. REINSTITUTION OF PER COUNTRY FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsection (a) of section 904 (relating to limitation on credit) is amended to read as follows:

''(a) LIMITATION.—The amount of the credit in respect of the tax paid or accrued to any foreign country or possession of the United States shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of the taxpayer's entire taxable income) bears to such taxpayer's entire taxable income for the same taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 211. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

''(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

''(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

''(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

''(A) IN GENERAL.—If—

''(i) paragraph (1) does not apply to a foreign corporation, but

''(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

''(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

''(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

''(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

''(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

''(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

''(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

TITLE III—OTHER PROVISIONS

Subtitle A—Improvements in Tax Compliance

SEC. 301. INFORMATION REPORTING ON PAYMENTS TO CORPORATIONS.

(a) IN GENERAL.—Section 6041(a) (relating to payments of $600 or more) is amended by inserting ''(including any corporation other than a corporation exempt from taxation)'' after ''another person''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2007.

SEC. 302. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—Section 6045 (relating to returns of brokers) is amended by adding at the end the following new subsection:

''(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS.—

''(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to any applicable security, the broker shall include in such return the information described in paragraph (2).

''(2) ADDITIONAL INFORMATION REQUIRED.—

''(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to an applicable security of a customer shall include for each reported applicable security the customer's adjusted basis in such security.

''(B) EXEMPTION FROM REQUIREMENT.—The Secretary shall issue such regulations or guidance as necessary concerning the application of the requirement under subparagraph (A) in cases in which a broker in making a return does not have sufficient information to meet such requirement with respect to the reported applicable security. Such regulations or guidance may—

''(i) require such other information related to such adjusted basis as the Secretary may prescribe, and

''(ii) exempt classes of cases in which the broker does not have sufficient information to meet either the requirement under subparagraph (A) or the requirement under clause (i).

''(3) INFORMATION TRANSFERS.—To the extent provided in regulations, there shall be such exchanges of information between brokers as such regulations may require for purposes of enabling such brokers to meet the requirements of this subsection.

''(4) DEFINITIONS.—For purposes of this subsection, the term 'applicable security' means any—

''(A) security described in subparagraph (A) or (C) of section 475(c)(2),

''(B) interest in a regulated investment company (as defined in section 851), or

''(C) other financial instrument designated in regulations prescribed by the Secretary.''.

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES BY FIFO METHOD.—Section 1012 (relating to basis of property—cost) is amended by adding at the end the following new sentence: ''Except to the extent provided in regulations, the basis of any applicable security reportable under section 6045 (by reason of subsection (g) thereof) shall be determined on a first-in, first-out method.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and transfers occurring after December 31, 2007, with respect to securities acquired before, on, or after such date.

SEC. 303. ADDITIONAL REPORTING REQUIREMENTS BY REGULATION.

The Secretary of the Treasury is authorized to issue regulations under which with respect to payments made after December 31, 2007—

(1) any merchant acquiring bank is required to annually report to the Secretary the gross reimbursement payments made to merchants in a calendar year, unless the benefit of such reporting does not justify the cost of compliance, as determined by the Secretary,

(2) any contractor receiving payments of $600 or more in a calendar year from a particular business is required to furnish such business the contractor's certified taxpayer identification number or be subject to withholding on such payments at a flat rate percentage selected by the contractor, and

(3) any Federal, State, or local government is required to report to the Secretary any non-wage payment to procure property and services, other than payments of interest, payments for real property, payments to tax-exempt entities or foreign governments, intergovernmental payments, and payments made pursuant to a classified or confidential contract.

SEC. 304. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$250,000'' and inserting ''$3,000,000''.

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking ''$15'' and inserting ''$50'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$75,000'' and inserting ''$500,000''.

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking ''$30'' and inserting ''$100'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$150,000'' and inserting ''$1,500,000''.

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking ''$100,000'' and inserting ''$1,000,000'', and

(ii) by striking ''$250,000'' and inserting ''$3,000,000'',

(B) in subparagraph (B)—

(i) by striking ''$25,000'' and inserting ''$175,000'', and

(ii) by striking ''$75,000'' and inserting ''$500,000'', and

(C) in subparagraph (C)—

(i) by striking ''$50,000'' and inserting ''$500,000'', and

(ii) by striking ''$150,000'' and inserting ''$1,500,000''.

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking ''$100'' in paragraph (2) and inserting ''$500'',

(B) by striking ''$250,000'' in paragraph (3)(A) and inserting ''$3,000,000''.

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$100,000'' and inserting ''$1,000,000''.

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking ''$100'' in paragraph (1) and inserting ''$500'', and

(B) by striking ''$100,000'' in paragraph (2)(A) and inserting ''$1,000,000''.

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking ''$50'' and inserting ''$250'', and

(2) by striking ''$100,000'' and inserting ''$1,000,000''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SEC. 305. E-FILING REQUIREMENT FOR CERTAIN LARGE ORGANIZATIONS.

(a) IN GENERAL.—The first sentence of section 6011(e)(2) is amended to read as follows: ''In prescribing regulations under paragraph (1), the Secretary shall take into account (among other relevant factors) the ability of the taxpayer to comply at reasonable cost with the requirements of such regulations.''.

(b) CONFORMING AMENDMENT.—Section 6724 is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after December 31, 2008.

SEC. 306. IMPLEMENTATION OF STANDARDS CLARIFYING WHEN EMPLOYEE LEASING COMPANIES CAN BE HELD LIABLE FOR THEIR CLIENTS' FEDERAL EMPLOYMENT TAXES.

With respect to employment tax returns required to be filed with respect to wages paid on or after January 1, 2008, the Secretary of the Treasury shall issue regulations establishing—

(1) standards for holding employee leasing companies jointly and severally liable with their clients for Federal employment taxes under chapters 21, 22, 23, and 24 of the Internal Revenue Code of 1986, and

(2) standards for holding such companies solely liable for such taxes.

SEC. 307. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking ''; or'' at the end of paragraph (1) and inserting a comma,

(2) by adding ''or'' at the end of paragraph (2), and

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

''(3) the Secretary has served a disqualified employment tax levy,''.

(b) DISQUALIFIED EMPLOYMENT TAX LEVY.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(h) DISQUALIFIED EMPLOYMENT TAX LEVY.—For purposes of subsection (f), a disqualified employment tax levy is any levy in connection with the collection of employment taxes for any taxable period if the person subject to the levy (or any predecessor thereof) requested a hearing under this section with respect to unpaid employment taxes arising in the most recent 2-year period before the beginning of the taxable period with respect to which the levy is served. For purposes of the preceding sentence, the term 'employment taxes' means any taxes under chapter 21, 22, 23, or 24.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to levies served on or after January 1, 2008.

SEC. 308. EXPANSION OF IRS ACCESS TO INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES FOR TAX ADMINISTRATION PURPOSES.

(a) IN GENERAL.—Paragraph (3) of section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended to read as follows:

''(3) ADMINISTRATION OF FEDERAL TAX LAWS.—The Secretary of the Treasury shall have access to the information in the National Directory of New Hires for purposes of administering the Internal Revenue Code of 1986.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 309. DISCLOSURE OF PRISONER RETURN INFORMATION TO FEDERAL BUREAU OF PRISONS.

(a) DISCLOSURE.—

(1) IN GENERAL.—Subsection (l) of section 6103 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(22) DISCLOSURE OF RETURN INFORMATION OF PRISONERS TO FEDERAL BUREAU OF PRISONS.—

''(A) IN GENERAL.—Under such procedures as the Secretary may prescribe, the Secretary may disclose return information with respect to persons incarcerated in Federal prisons whom the Secretary believes filed or facilitated the filing of false or fraudulent returns to the head of the Federal Bureau of Prisons if the Secretary determines that such disclosure is necessary to permit effective tax administration.

''(B) DISCLOSURE BY AGENCY TO EMPLOYEES.—The head of the Federal Bureau of Prisons may redisclose information received under subparagraph (A)—

''(i) only to those officers and employees of the Bureau who are personally and directly engaged in taking administrative actions to address violations of administrative rules and regulations of the prison facility, and

''(ii) solely for the purposes described in subparagraph (C).

''(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used only for the purposes of—

''(i) preventing the filing of false or fraudulent returns; and

''(ii) taking administrative actions against individuals who have filed or attempted to file false or fraudulent returns.''.

(2) PROCEDURES AND RECORD KEEPING RELATED TO DISCLOSURE.—Subsection (p)(4) of section 6103 is amended—

(A) by striking ''(14), or (17)'' in the matter before subparagraph (A) and inserting ''(14), (17), or (22)'', and

(B) by striking ''(9), or (16)'' in subparagraph (F)(i) and inserting ''(9), (16), or (22)''.

(3) EVALUATION BY TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Paragraph (3) of section 7803(d) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(C) not later than 3 years after the date of the enactment of section 6103(l)(22), submit a written report to Congress on the implementation of such section.''.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall submit to Congress and make publicly available an annual report on the filing of false and fraudulent returns by individuals incarcerated in Federal and State prisons.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall contain statistics on the number of false or fraudulent returns associated with each Federal and State prison and such other information that the Secretary determines is appropriate.

(3) EXCHANGE OF INFORMATION.—For the purpose of gathering information necessary for the reports required under paragraph (1), the Secretary of the Treasury shall enter into agreements with the head of the Federal Bureau of Prisons and the heads of State agencies charged with responsibility for administration of State prisons under which the head of the Bureau or Agency provides to the Secretary not less frequently than annually the names and other identifying information of prisoners incarcerated at each facility administered by the Bureau or Agency.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures on or after January 1, 2008.

SEC. 310. MODIFICATION OF CRIMINAL PENALTIES FOR WILLFUL FAILURES INVOLVING TAX PAYMENTS AND FILING REQUIREMENTS.

(a) INCREASE IN PENALTY FOR ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 (relating to attempt to evade or defeat tax) is amended—

(1) by striking ''$100,000'' and inserting ''$500,000'',

(2) by striking ''$500,000'' and inserting ''$1,000,000'', and

(3) by striking ''5 years'' and inserting ''10 years''.

(b) MODIFICATION OF PENALTIES FOR WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—

(1) IN GENERAL.—Section 7203 (relating to willful failure to file return, supply information, or pay tax) 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) '$250,000 ($500,000' for '$50,000 ($100,000', and

''(C) '5 years' for '1 year'.

''(2) FAILURE DESCRIBED.—A failure described in this paragraph is—

''(A) a failure to make a return described in subsection (a) for any 3 taxable years occurring during any period of 5 consecutive taxable years if the aggregate tax liability for such period is not less than $50,000, or

''(B) a failure to make a return if the tax liability giving rise to the requirement to make such return is attributable to an activity which is a felony under any State or Federal law.''.

(2) PENALTY MAY BE APPLIED IN ADDITION TO OTHER PENALTIES.—Section 7204 (relating to fraudulent statement or failure to make statement to employees) is amended by striking ''the penalty provided in section 6674'' and inserting ''the penalties provided in sections 6674 and 7203(b)''.

(c) FRAUD AND FALSE STATEMENTS.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking ''$100,000'' and inserting ''$500,000'',

(2) by striking ''$500,000'' and inserting ''$1,000,000'', and

(3) by striking ''3 years'' and inserting ''5 years''.

(d) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—Section 7206 (relating to fraud and false statements), as amended by subsection (a)(3), 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.''.

(e) 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. 311. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) APPLICATION OF RETURN PREPARER PENALTIES TO ALL TAX RETURNS.—

(1) DEFINITION OF TAX RETURN PREPARER.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking ''income'' each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking ''subtitle A'' each place it appears and inserting ''this title''.

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 6060 is amended by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**''.

(ii) Section 6060(a) is amended—

(I) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(II) by striking ''each income tax return preparer'' and inserting ''each tax return preparer'', and

(III) by striking ''another income tax return preparer'' and inserting ''another tax return preparer''.

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking ''**Income Tax Return Preparers**'' in the heading and inserting ''**Tax Return Preparers**''.

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(B) Section 6103(k)(5) is amended—

(i) by striking ''income tax return preparer'' each place it appears and inserting ''tax return preparer'', and

(ii) by striking ''income tax return preparers'' each place it appears and inserting ''tax return preparers''.

(C)(i) Section 6107 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARER**'' in the heading and inserting ''**TAX RETURN PREPARER**'',

(II) by striking ''an income tax return preparer'' each place it appears in subsections (a) and (b) and inserting ''a tax return preparer'',

(III) by striking ''INCOME TAX RETURN PREPARER'' in the heading for subsection (b) and inserting ''TAX RETURN PREPARER'', and

(IV) in subsection (c), by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking ''Income tax return preparer'' and inserting ''Tax return preparer''.

(D) Section 6109(a)(4) is amended—

(i) by striking ''an income tax return preparer'' and inserting ''a tax return preparer'', and

(ii) by striking ''INCOME RETURN PREPARER'' in the heading and inserting ''TAX RETURN PREPARER''.

(E) Section 6503(k)(4) is amended by striking ''Income tax return preparers'' and inserting ''Tax return preparers''.

(F)(i) Section 6694 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARER**'' in the heading and inserting ''**TAX RETURN PREPARER**'',

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(III) in subsection (c)(2), by striking ''the income tax return preparer'' and inserting ''the tax return preparer'',

(IV) in subsection (e), by striking ''subtitle A'' and inserting ''this title'', and

(V) in subsection (f), by striking ''income tax return preparer'' and inserting ''tax return preparer''.

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''income tax return preparer'' and inserting ''tax return preparer''.

(G)(i) Section 6695 is amended—

(I) by striking ''**INCOME**'' in the heading, and

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer''.

(ii) Section 6695(f) is amended—

(I) by striking ''subtitle A'' and inserting ''this title'', and

(II) by striking ''the income tax return preparer'' and inserting ''the tax return preparer''.

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking ''income''.

(H) Section 6696(e) is amended by striking ''subtitle A'' each place it appears and inserting ''this title''.

(I)(i) Section 7407 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**'',

(II) by striking ''an income tax return preparer'' each place it appears and inserting ''a tax return preparer'',

(III) by striking ''income tax preparer'' both places it appears in subsection (a) and inserting ''tax return preparer'', and

(IV) by striking ''income tax return'' in subsection (a) and inserting ''tax return''.

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking ''income tax return preparers'' and inserting ''tax return preparers''.

(J)(i) Section 7427 is amended—

(I) by striking ''**INCOME TAX RETURN PREPARERS**'' in the heading and inserting ''**TAX RETURN PREPARERS**'', and

(II) by striking ''an income tax return preparer'' and inserting ''a tax return preparer''.

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

''Sec. 7427. Tax return preparers.''.

(b) MODIFICATION OF PENALTY FOR UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.—Subsections (a) and (b) of section 6694 are amended to read as follows:

''(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

''(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

''(A) $1,000, or

''(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) UNREASONABLE POSITION.—A position is described in this paragraph if—

''(A) the tax return preparer knew (or reasonably should have known) of the position,

''(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

''(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

''(ii) there was no reasonable basis for the position.

''(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

''(b) UNDERSTATEMENT DUE TO WILLFUL OR RECKLESS CONDUCT.—

''(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

''(A) $5,000, or

''(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

''(2) WILLFUL OR RECKLESS CONDUCT.—Conduct described in this paragraph is conduct by the tax return preparer which is—

''(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

''(B) a reckless or intentional disregard of rules or regulations.

''(3) REDUCTION IN PENALTY.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 312. PENALTIES FOR FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

(a) IN GENERAL.—Part I of subchapter A of chapter 68 (relating to additions to the tax, additional amounts, and assessable penalties) is amended by inserting after section 6652 the following new section:

''SEC. 6652A. FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

''(a) IN GENERAL.—If a person fails to file a return described in section 6651 or 6652(c)(1) in electronic form as required under section 6011(e)—

''(1) such failure shall be treated as a failure to file such return (even if filed in a form other than electronic form), and

''(2) the penalty imposed under section 6651 or 6652(c), whichever is appropriate, shall be equal to the greater of—

''(A) the amount of the penalty under such section, determined without regard to this section, or

''(B) the amount determined under subsection (b).

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the penalty determined under this subsection is equal to $40 for each day during which a failure described under subsection (a) continues. The maximum penalty under this paragraph on failures with respect to any 1 return shall not exceed the lesser of $20,000 or 10 percent of the gross receipts of the taxpayer for the year.

''(2) INCREASED PENALTIES FOR TAXPAYERS WITH GROSS RECEIPTS BETWEEN $1,000,000 AND $100,000,000.—

''(A) TAXPAYERS WITH GROSS RECEIPTS BETWEEN $1,000,000 AND $25,000,000.—In the case of a taxpayer having gross receipts exceeding $1,000,000 but not exceeding $25,000,000 for any year—

''(i) the first sentence of paragraph (1) shall be applied by substituting '$200' for '$40', and

''(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $100,000.

''(B) TAXPAYERS WITH GROSS RECEIPTS OVER $25,000,000.—Except as provided in paragraph (3), in the case of a taxpayer having gross receipts exceeding $25,000,000 for any year—

''(i) the first sentence of paragraph (1) shall be applied by substituting '$500' for '$40', and

''(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $250,000.

''(3) INCREASED PENALTIES FOR CERTAIN TAXPAYERS WITH GROSS RECEIPTS EXCEEDING $100,000,000.—In the case of a return described in section 6651—

''(A) TAXPAYERS WITH GROSS RECEIPTS BETWEEN $100,000,000 AND $250,000,000.—In the case of a taxpayer having gross receipts exceeding $100,000,000 but not exceeding $250,000,000 for any year—

''(i) the amount of the penalty determined under this subsection shall equal the sum of—

''(I) $50,000, plus

''(II) $1,000 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

''(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $200,000.

''(B) TAXPAYERS WITH GROSS RECEIPTS OVER $250,000,000.—In the case of a taxpayer having gross receipts exceeding $250,000,000 for any year—

''(i) the amount of the penalty determined under this subsection shall equal the sum of—

''(I) $250,000, plus

''(II) $2,500 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

''(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $250,000.

''(C) EXCEPTION FOR CERTAIN RETURNS.—Subparagraphs (A) and (B) shall not apply to any return of tax imposed under section 511.''.

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 68 is amended by inserting after the item relating to section 6652 the following new item:

''Sec. 6652A. Failure to file certain returns electronically.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

SEC. 313. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

''SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

''(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

''(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

''(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit on which a penalty is imposed under part II of subchapter A of chapter 68.''.

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

''Sec. 6676. Erroneous claim for refund or credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim—

(1) filed or submitted after the date of the enactment of this Act, or

(2) filed or submitted prior to such date but not withdrawn before the date which is 30 days after such date of enactment.

Subtitle B—Requiring Economic Substance

SEC. 321. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

''(1) GENERAL RULES.—

''(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

''(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—A transaction has economic substance only if—

''(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

''(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

''(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

''(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

''(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

''(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

''(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

''(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

''(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

''(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

''(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

''(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

''(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

''(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

''(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

''(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

''(I) depreciation,

''(II) any tax credit, or

''(III) any other deduction as provided in guidance by the Secretary, and

''(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

''(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

''(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.''.

(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. 322. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

''(a) IMPOSITION OF PENALTY.—If a taxpayer has a noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

''(b) REDUCTION OF PENALTY FOR DISCLOSED TRANSACTIONS.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

''(c) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

''(2) NONECONOMIC SUBSTANCE TRANSACTION.—The term 'noneconomic substance transaction' means any transaction if—

''(A) there is a lack of economic substance (within the meaning of section 7701(p)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(p)(2), or

''(B) the transaction fails to meet the requirements of any similar rule of law.

''(d) RULES APPLICABLE TO COMPROMISE OF PENALTY.—

''(1) IN GENERAL.—If the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

''(2) APPLICABLE RULES.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

''(e) COORDINATION WITH OTHER PENALTIES.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

''(f) CROSS REFERENCES.—

''(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

''(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).''.

(b) COORDINATION WITH OTHER UNDERSTATEMENTS AND PENALTIES.—

(1) The second sentence of section 6662(d)(2)(A) is amended by inserting ''and without regard to items with respect to which a penalty is imposed by section 6662B'' before the period at the end.

(2) Subsection (e) of section 6662A is amended—

(A) in paragraph (1), by inserting ''and noneconomic substance transaction understatements'' after ''reportable transaction understatements'' both places it appears,

(B) in paragraph (2)(A), by inserting ''and a noneconomic substance transaction understatement'' after ''reportable transaction understatement'',

(C) in paragraph (2)(B), by inserting ''6662B or'' before ''6663'',

(D) in paragraph (2)(C)(i), by inserting ''or section 6662B'' before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting ''and section 6662B'' after ''This section'',

(F) in paragraph (3), by inserting ''or noneconomic substance transaction understatement'' after ''reportable transaction understatement'', and

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

''(4) NONECONOMIC SUBSTANCE TRANSACTION UNDERSTATEMENT.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).''.

(3) Subsection (e) of section 6707A is amended—

(A) by striking ''or'' at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

''(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B,''.

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

''Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 323. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) IN GENERAL.—Section 163(m) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking ''attributable'' and all that follows and inserting the following: ''attributable to—

''(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

''(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).'', and

(2) by inserting ''AND NONECONOMIC SUBSTANCE TRANSACTIONS'' after ''TRANSACTIONS''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

Subtitle C—Miscellaneous

SEC. 331. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

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

(B) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

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

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).''.

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS; SUNSET

SEC. 401. TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary of the Treasury or the Secretary's delegate shall not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the purposes of the provisions of, and amendments made by, this Act.

SEC. 402. SUNSET.

(a) IN GENERAL.—All provisions of, and amendments made by, this Act shall not apply to taxable years beginning after December 31, 2012.

(b) APPLICATION OF CODE.—The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in subsection (a) as if the provisions of, and amendments made by, this Act had never been enacted.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1112. A bill to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Redwood

Valley County Water District Loan Renegotiation Act of 2007. I am pleased that Senator BOXER is a cosponsor of this bill.

This bill seeks to remove roadblocks to the implementation of 1988 legislation that requires the Secretary of the Interior to renegotiate debts owed by the Redwood Valley County Water District to the United States. Enactment of this bill is necessary so that Redwood Valley can obtain a reliable water supply.

In 1983, the Redwood Valley County Water District completed a project which supplied water to a rural agricultural community near Ukiah, CA. Two Bureau of Reclamation loans totaling $7.3 million contributed to the financing of this project.

Unfortunately, the District was unable to repay these loans. This occurred for several reasons: The projected water use in the original feasibility study, developed by the District and reviewed by the Bureau, was seriously flawed; the District's ability to raise necessary revenues was compromised by a judicially imposed moratorium on new hook-ups; and concerns for endangered species reduced the District's potential water supply allotment by 33 percent.

As a result, in 1988 Congress passed Section 15 of Public Law 100–516 which indefinitely suspended the District's obligations to repay these Bureau loans and ordered the Secretary of Interior to renegotiate the loans. This loan renegotiation has yet to take place and now the District finds that its water supply is highly uncertain.

In 2000 in a report on Redwood Valley, the Bureau of Reclamation recognized these changed conditions, and concluded that the District needs a reliable water supply before it can solve its current financial dilemma.

The District recently identified two potential new projects, either of which could prove a reliable water source. No government funds will be sought for these projects. The District intends to rely on private financing, a strategy that the Bureau of Reclamation is encouraging. However, before the District can secure private financing for new projects, it must renegotiate the existing loans to provide for their repayment subsequent to the repayment of the new loans.

The existing loans are an impediment to the District's attempts to upgrade elements of its existing plant. As an example, the District unsuccessfully sought private financing to build a 100 kW solar panel project. This project would have enabled the District to cut its energy costs and to qualify for energy rebates.

Significantly, this legislation requires the District to repay to the United States the currently suspended loans once the District's new loans have been paid.

The only difference between this bill and S. 3189, which I introduced last year, is to clarify that no renegotiations are required to trigger the District's obligations to repay the loans and the Secretary of Interior ''shall reschedule the payments due'' once the District has satisfied its additional financial obligations.

The proposed water projects will enable the District to generate adequate revenues to allow the District to repay both its new private loans and its original loans from the United States. By providing a workable and reasonable solution to a longstanding problem, this legislation creates a win-win solution for taxpayers of the United States and the rate payers of the Redwood Valley County Water District.

I urge my colleagues to support this bill and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENEGOTIATION OF PAYMENT SCHEDULE.

Section 15 of Public Law 100–516 (102 Stat. 2573) is amended as follows:

(1) By amending paragraph (2) of subsection (a) to read as follows:

''(2) If, as of January 1, 2006, the Secretary of the Interior and the Redwood Valley County Water District have not renegotiated the schedule of payment, the District may enter into such additional non-Federal obligations as are necessary to finance procurement of dedicated water rights and improvements necessary to store and convey those rights to provide for the District's water needs. The Secretary shall reschedule the payments due under loans numbered 14–06–200–8423A and 14–06–200–8423A Amendatory and said payments shall commence when such additional obligations have been financially satisfied by the District. The date of the initial payment owed by the District to the United States shall be regarded as the start of the District's repayment period and the time upon which any interest shall first be computed and assessed under section 5 of the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.).''.

(2) By striking subsection (c).

By Mrs. FEINSTEIN (for herself and Mr. SPECTER):

S. 1114. A bill to reiterate the exclusivity of the Foreign Intelligence Surveillance Act of 1978 as the sole authority to permit the conduct of electronic surveillance, to modernize surveillance authorities, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to re-introduce legislation from the last Congress that would bring all electronic surveillance of terrorists under the color of law and would modernize the rules for conducting such surveillance. I am pleased that Senator SPECTER, the Ranking Member of the Judiciary Committee, has co-sponsored this legislation.

We all agree that the President and the Intelligence Community should have all the tools they need to find the terrorists before they have a chance to strike us again. This cannot be said too many times in too many ways.

We also agree, though, that these intelligence tools can and should be used in a way that protects the constitutional and privacy rights of all Americans. That is the balance that this legislation attempts to strike.

Nowhere is this more at issue than in electronic surveillance, where government officials record the content of Americans' phone and electronic communications. This important means of obtaining critical counterterrorism information is at the same time a significant, constitutionally recognized intrusion into Americans' privacy rights.

It is worth reminding ourselves of this. We have recently focused on the use of National Security Letters, through which the FBI inappropriately obtained telephone records of at least hundreds of Americans. Electronic surveillance goes far beyond records and collects the actual content—the words spoken over the phone or typed in email.

It is also worth reminding ourselves of why this legislation is necessary, as it has been several months before this was the top legislative issue before the Senate.

For more than five years since September 11, 2001, the National Security Agency collected the content of calls from or to United States persons—citizens and permanent residents—without a court order as is required by the Foreign Intelligence Surveillance Act of 1978 (FISA).

This surveillance was done without notifying and seeking authorization from the congressional intelligence committees. The President and Vice President have very closely restricted disclosure of information about what they call the ''Terrorist Surveillance Program.''

Until this surveillance came to light through an article in The New York Times in December 2005, only eight members of Congress were briefed on it. Even after the article came out, the White House refused to brief the members of the House and Senate Intelligence Committees for several months.

Even now, the Intelligence Committee does not have all the information it needs to carry out its Constitutional oversight duties.

Throughout 2006, the Judiciary Committee debated various bills to authorize or prohibit electronic surveillance outside of FISA. The bill that Senator SPECTER and I authored last year, which is being re-introduced today, was reported out of Judiciary on a bipartisan vote on September 13, 2006. The Senate, however, took no legislative action prior to adjournment.

Then, on January 17, 2007, Attorney General Alberto Gonzales notified the chairman and ranking member of the Senate Judiciary Committee that the FISA Court had authorized the Terrorist Surveillance Program. Since January, the program has proceeded

under Court supervision, as is required by FISA.

I was pleased that the Administration submitted the TSP to the FISA Court, and that the Court had found a way to issue an order approving this surveillance. I was pleased, but not surprised.

I had maintained throughout the legislative debate last year that it would not take many changes for the TSP to fit under the confines of FISA. All it took was the willingness of the Administration to follow legal process.

Members may ask, given the recent developments, why legislation is now necessary. There are two reasons.

The first is that the Senate should enact this bill is because this Administration has never conceded the point that it cannot conduct electronic surveillance outside of the law. It has put the TSP under FISA Court review, but it asserts that it has the right not to do so. Future Administrations, if not enjoined, may take the same view.

I disagree with this legal analysis.

Secondly, the Director of the National Security Agency, the Director of the FBI, and the Attorney General have said on many occasions that FISA is outdated and in need of modernization. The current FISA process is too bureaucratic, too slow to initiate electronic surveillance from the time a suspected terrorist's phone or email account is identified.

This bill addresses those concerns by providing new flexibility and additional resources to speed the FISA process and allow for the more timely collection of valuable intelligence.

Allow me to summarize the legislation. The bill: re-iterates that FISA is the exclusive means for conducting electronic surveillance for intelligence purposes.

Specifies that FISA's requirements cannot be written off through contorted interpretations of other statutes. The Administration's tortured argument with respect to the Authorization for the 2001 Use of Military Force (AUMF) notwithstanding, this legislation would specify that FISA's language can only be undone by a specific and direct Act of Congress.

Requires that Congress, through the Intelligence Committees, be fully briefed on the Terrorist Surveillance Program and any related surveillance programs.

Requires the Supreme Court to review, on an expedited basis, the constitutionality of the Terrorist Surveillance Program.

Streamlines the current ''emergency procedures'' in FISA. Currently, the Attorney General can authorize surveillance prior to a Court order for 72 hours in an emergency. This legislation would extend the time to one week, which should remove any doubt as to whether Court approval can be sought and obtained in time. The bill also allows the Attorney General to delegate his authority to initiate electronic surveillance in an emergency to specific supervisory officials at the NSA and FBI.

Authorizes additional personnel to expedite the writing, submission, and review of FISA applications. Specifically, additional FISA Court judges and staff are authorized, as are additional positions at the Department of Justice, FBI, and NSA.

Extends the existing FISA authority—for 15 days of warrantless surveillance following a declaration of war—to any 30-day period following an authorization for the use of military force or a national emergency following a terrorist attack.

Allows the National Security Agency to take full advantage of its capabilities to collect intelligence on foreign communications.

While foreign-to-foreign communications are not covered now by FISA's requirements, the NSA can only conduct surveillance on these calls if it can be sure, in advance, that a telephone call of email won't transit the United States or unexpectedly end here. In the age of cell phones and the global telecommunications system, this a priori certification is very difficult to make. This legislation therefore specifies that in such inadvertent collection cases, the NSA must minimize the data, but that it has not violated the law.

Finally, the legislation clarifies that FISA court orders for electronic surveillance must be individualized to a particular target that the government has probable cause to believe is a foreign power or an agent of a foreign power.

From the briefings I have received as a member of the Intelligence Committee and the hearings held in Judiciary, I am convinced that the Terrorist Surveillance Program is an important anti-terrorism tool that should be continued.

It is also clear from the January FISA Court ruling that the Terrorist Surveillance Program can be conducted within the confines of FISA. It is appropriate now for Congress to reiterate that this is the appropriate arrangement.

This is by no means an issue that has been overtaken by events. The Administration continues to support a view of plenary authority in which it can conduct electronic surveillance in violation of FISA. The NSA and the FBI continue to labor under a process that was formed 29 years ago, prior to fundamental changes in the telecommunications system.

I urge the Senate to act to ensure that the law is followed and privacy rights upheld, and to provide the Intelligence Community the tools it needs to continue to make us safe.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Intelligence Surveillance Improvement and Enhancement Act of 2007''.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' means—

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

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term ''Foreign Intelligence Surveillance Court'' means the court established by section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

(3) UNITED STATES PERSON.—The term ''United States person'' has the meaning given such term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

TITLE I—CONSTRUCTION OF FOREIGN INTELLIGENCE SURVEILLANCE AUTHORITY

SEC. 101. REITERATION OF CHAPTERS 119, 121, AND 206 OF TITLE 18, UNITED STATES CODE, AND FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AS EXCLUSIVE MEANS BY WHICH DOMESTIC ELECTRONIC SURVEILLANCE MAY BE CONDUCTED.

(a) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, chapters 119, 121, and 206 of title 18, United States Code, and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)) may be conducted.

(b) AMENDMENT TO FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a)) is amended by striking ''authorized by statute'' each place it appears and inserting ''authorized by this title or chapter 119, 121, or 206 of title 18, United States Code''.

(c) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 2511(2)(a)(ii)(B) of title 18, United States Code, is amended by striking ''statutory requirements'' and inserting ''requirements under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), this chapter, or chapters 121 or 206 of this title''.

SEC. 102. SPECIFIC AUTHORIZATION REQUIRED FOR ANY REPEAL OR MODIFICATION OF TITLE I OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 109 the following new section:

''SPECIFIC AUTHORIZATION REQUIRED FOR ANY REPEAL OR MODIFICATION OF TITLE

''SEC. 109A. No provision of law shall be construed to implicitly repeal or modify this title or any provision thereof, nor shall any provision of law be deemed to repeal or modify this title in any manner unless such provision of law, if enacted after the date of the enactment of the Foreign Intelligence Surveillance Improvement and Enhancement Act of 2007, expressly amends or otherwise specifically cites this title.''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 109 the following new item:

''Sec. 109A. Specific authorization required for any repeal or modification of title.''.

SEC. 103. INFORMATION FOR CONGRESS ON THE TERRORIST SURVEILLANCE PROGRAM AND SIMILAR PROGRAMS.

As soon as practicable after the date of the enactment of this Act, but not later than seven days after such date, the President shall brief and inform each member of the congressional intelligence committees on the following:

(1) The Terrorist Surveillance Program of the National Security Agency.

(2) Any program which involves, whether in part or in whole, the electronic surveillance of United States persons in the United States for foreign intelligence purposes, and which is conducted by any department, agency, or other element of the United States Government, or by any entity at the direction of a department, agency, or other element of the United States Government, without fully complying with the procedures set forth in the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or chapter 119, 121, or 206 of title 18, United States Code.

SEC. 104. SUPREME COURT REVIEW OF THE TERRORIST SURVEILLANCE PROGRAM.

(a) IN GENERAL.—Upon petition by the United States or any party to the underlying proceedings, the Supreme Court of the United States shall review a final decision on the merits concerning the constitutionality of the Terrorist Surveillance Program in at least one case that is pending in the courts of the United States on the date of enactment of this Act.

(b) EXPEDITED CONSIDERATION.—It shall be the duty of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

(c) DEFINITION.—In this section, the term ''Terrorist Surveillance Program'' means the program identified by the President on December 17, 2005, to intercept international communications into and out of the United States of persons linked to al Qaeda or related terrorist organizations.

TITLE II—APPLICATIONS AND PROCEDURES FOR ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES

SEC. 201. EXTENSION OF PERIOD FOR APPLICATIONS FOR ORDERS FOR EMERGENCY ELECTRONIC SURVEILLANCE.

Section 105(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(f)) is amended by striking ''72 hours'' both places it appears and inserting ''168 hours''.

SEC. 202. ADDITIONAL AUTHORITY FOR EMERGENCY ELECTRONIC SURVEILLANCE.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (g), (h), (i), and (j) as subsections (h), (i), (j), and (k), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

''(g)(1)(A) Notwithstanding any other provision of this title and subject to the provisions of this subsection, the Attorney General may, with the concurrence of the Director of National Intelligence, appoint appropriate supervisory or executive personnel within the Federal Bureau of Investigation and the National Security Agency to authorize electronic surveillance on a United States person in the United States on an emergency basis pursuant to the provisions of this subsection.

''(B) For purposes of this subsection, an intelligence agent or employee acting under the supervision of a supervisor or executive appointed under subparagraph (A) may conduct emergency electronic surveillance under this subsection if such supervisor or executive reasonably determines that—

''(i) an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained; and

''(ii) the factual basis exists for the issuance of an order approving such surveillance under this title.

''(2) The supervisors and executives appointed by the Attorney General under paragraph (1) may only be officials as follows:

''(A) In the case of the Federal Bureau of Investigation, officials at or above the level of Special Agent in Charge.

''(B) In the case of the National Security Agency, officials at or above the level of head of branch of the National Security Agency.

''(3) A supervisor or executive responsible for the emergency employment of electronic surveillance under this subsection shall submit to the Attorney General a request for approval of the surveillance within 24 hours of the commencement of the surveillance. The request shall set forth the ground for the belief specified in paragraph (1), together with such other information as the Attorney General shall require.

''(4)(A) The review of a request under paragraph (3) shall be completed by the official concerned under that paragraph as soon as practicable, but not more than 72 hours after the commencement of the electronic surveillance concerned under paragraph (1).

''(B)(i) If the official concerned determines that the electronic surveillance does not meet the requirements of paragraph (1), the surveillance shall terminate immediately and may not be recommenced by any supervisor or executive appointed under paragraph (1), or any agent or employee acting under the supervision of such supervisor or executive, absent additional facts or changes in circumstances that lead a supervisor or executive appointed under paragraph (1) to reasonably believe that the requirements of paragraph (1) are satisfied.

''(ii) In the event of a determination under clause (i), the Attorney General shall not be required, under section 106(j), to notify any United States person of the fact that the electronic surveillance covered by such determination was conducted before the termination of the surveillance under that clause. However, the official making such determination shall notify the court established by section 103(a) of such determination, and shall also provide notice of such determination in the first report that is submitted under section 108(a) after such determination is made.

''(C) If the official concerned determines that the surveillance meets the requirements of subsection (f), the surveillance may continue, subject to the requirements of paragraph (5).

''(5)(A) An application in accordance with this title shall be made to a judge having jurisdiction under section 103 as soon as practicable but not more than 168 hours after the commencement of electronic surveillance under paragraph (1).

''(B) In the absence of a judicial order approving electronic surveillance commenced under paragraph (1), the surveillance shall terminate at the earlier of—

''(i) when the information sought is obtained;

''(ii) when the application under subparagraph (A) for an order approving the surveillance is denied; or

''(iii) 168 hours after the commencement of the surveillance, unless an application under subparagraph (A) is pending, in which case the surveillance may continue for up to an additional 24 hours while the judge has the application under advisement.

''(C) If an application under subparagraph (A) for an order approving electronic surveillance commenced under paragraph (1) is denied, or in any other case in which the surveillance is terminated and no order approving the surveillance is issued by a court, the use of information obtained or evidence derived from the surveillance shall be governed by the provisions of subsection (f).

''(D) The denial of an application submitted under subparagraph (A) may be reviewed as provided in section 103.

''(6) Any person who engages in the emergency employment of electronic surveillance under paragraph (1) shall follow the minimization procedures otherwise required by this title for the issuance of a judicial order approving the conduct of electronic surveillance.

''(7) Not later than 30 days after appointing supervisors and executives under paragraph (1) to authorize the exercise of authority in

that paragraph, the Attorney General, in consultation with the Director of National Intelligence, shall submit to the court established by section 103(a), the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, and bring up to date as required, a report that—

''(A) identifies the number of supervisors and executives who have been so appointed and the positions held by such supervisors and executives; and

''(B) sets forth guidelines or other directives that describe the responsibilities of such supervisors and executives under this subsection.''.

SEC. 203. FOREIGN INTELLIGENCE SURVEILLANCE COURT MATTERS.

(a) AUTHORITY FOR ADDITIONAL JUDGES.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) in paragraph (1), as so designated, by inserting ''at least'' before ''seven of the United States judicial circuits'';

(3) by designating the second sentence as paragraph (4) and indenting such paragraph, as so designated, two ems from the left margin; and

(4) by inserting after paragraph (1), as so designated, the following new paragraph:

''(2) In addition to the judges designated under paragraph (1), the Chief Justice of the United States may designate as judges of the court established by paragraph (1) such judges appointed under Article III of the Constitution of the United States as the Chief Justice determines appropriate in order to provide for the prompt and timely consideration under section 105 of applications under section 104 for electronic surveillance under this title. Any judge designated under this paragraph shall be designated publicly.''.

(b) CONSIDERATION OF EMERGENCY APPLICATIONS.—Such section is further amended by inserting after paragraph (2), as added by subsection (a)(4) of this section, the following new paragraph:

''(3) A judge of the court shall make a determination to approve, deny, or seek modification of an application submitted pursuant to section subsection (f) or (g) of section 105 not later than 24 hours after the receipt of such application by the court.''.

SEC. 204. DOCUMENT MANAGEMENT SYSTEM FOR APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.

(a) SYSTEM REQUIRED.—The Attorney General shall, in consultation with the Director of the Federal Bureau of Investigation, the Director of the National Security Agency, and the Foreign Intelligence Surveillance Court, develop and implement a secure, classified document management system that permits the prompt preparation, modification, and review by appropriate personnel of the Department of Justice, the Federal Bureau of Investigation, the National Security Agency, and other applicable elements of the United States Government of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) before their submittal to the Foreign Intelligence Surveillance Court.

(b) SCOPE OF SYSTEM.—The document management system required by subsection (a) shall—

(1) permit and facilitate the prompt submittal of applications to the Foreign Intelligence Surveillance Court under section 104 or 105(g)(5) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804 and 1805(g)(5)); and

(2) permit and facilitate the prompt transmittal of rulings of the Foreign Intelligence Surveillance Court to personnel submitting applications described in paragraph (1).

SEC. 205. ADDITIONAL PERSONNEL FOR PREPARATION AND CONSIDERATION OF APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.

(a) OFFICE OF INTELLIGENCE POLICY AND REVIEW.—

(1) ADDITIONAL PERSONNEL.—The Office of Intelligence Policy and Review of the Department of Justice is hereby authorized such additional personnel as may be necessary to carry out the prompt and timely preparation, modification, and review of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders under section 105 of that Act (50 U.S.C. 1805) approving electronic surveillance for foreign intelligence purposes.

(2) ASSIGNMENT.—The Attorney General shall assign personnel authorized by paragraph (1) to and among appropriate offices of the National Security Agency in order that such personnel may directly assist personnel of the Agency in preparing applications described in that paragraph.

(b) FEDERAL BUREAU OF INVESTIGATION.—

(1) ADDITIONAL LEGAL AND OTHER PERSONNEL.—The National Security Branch of the Federal Bureau of Investigation is hereby authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders under section 105 of that Act (50 U.S.C. 1805) approving electronic surveillance for foreign intelligence purposes.

(2) ASSIGNMENT.—The Director of the Federal Bureau of Investigation shall assign personnel authorized by paragraph (1) to and among the field offices of the Federal Bureau of Investigation in order that such personnel may directly assist personnel of the Bureau in such field offices in preparing applications described in that paragraph.

(c) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR NATIONAL SECURITY AGENCY.—The National Security Agency is hereby authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders under section 105 of that Act (50 U.S.C. 1805) approving electronic surveillance for foreign intelligence purposes.

(d) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is hereby authorized for the Foreign Intelligence Surveillance Court such additional staff personnel as may be necessary to facilitate the prompt and timely consideration by that Court of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders under section 105 of that Act (50 U.S.C. 1805) approving electronic surveillance for foreign intelligence purposes. Personnel authorized by this paragraph shall perform such duties relating to the consideration of such applications as that Court shall direct.

(e) SUPPLEMENT NOT SUPPLANT.—The personnel authorized by this section are in addition to any other personnel authorized by law.

SEC. 206. TRAINING OF FEDERAL BUREAU OF INVESTIGATION AND NATIONAL SECURITY AGENCY PERSONNEL IN FOREIGN INTELLIGENCE SURVEILLANCE MATTERS.

The Director of the Federal Bureau of Investigation and the Director of the National Security Agency shall each, in consultation with the Attorney General—

(1) develop regulations to establish procedures for conducting and seeking approval of electronic surveillance on an emergency basis, and for preparing and properly submitting and receiving applications and orders, under sections 104 and 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804 and 1805); and

(2) prescribe related training for the personnel of the applicable agency.

SEC. 207. ENHANCEMENT OF ELECTRONIC SURVEILLANCE AUTHORITY IN WARTIME.

Section 111 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1811) is amended by striking ''fifteen calendar days following a declaration of war by the Congress.'' and inserting ''30 calendar days following any of the following:

''(1) A declaration of war by the Congress.

''(2) An authorization for the use of military force within the meaning of section 2(c)(2) of the War Powers Resolution (50 U.S.C. 1541(c)(2)).

''(3) A national emergency created by attack upon the United States, its territories or possessions, or the Armed Forces within the meaning of section 2(c)(3) of the War Powers Resolution (50 U.S.C. 1541(c)(3)).''.

TITLE III—CLARIFICATIONS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978

SEC. 301. ACQUISITION OF FOREIGN-FOREIGN COMMUNICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), no court order shall be required for the acquisition through electronic surveillance of the contents of any communication between one person who is not located within the United States and another person who is not located within the United States for the purpose of collecting foreign intelligence information even if such communication passes through, or the surveillance device is located within, the United States.

(b) TREATMENT OF INTERCEPTED COMMUNICATIONS INVOLVING DOMESTIC PARTY.—If surveillance conducted as described in subsection (a) inadvertently collects a communication in which at least one party is within the United States, the contents of such communications shall be handled in accordance with the minimization procedures set forth in section 101(h)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(h)(4)).

(c) DEFINITIONS.—In this section, the terms ''contents'', ''electronic surveillance'', and ''foreign intelligence information'' have the meaning given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 302. INDIVIDUALIZED FISA ORDERS.

Any order issued pursuant to section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) authorizing electronic surveillance shall be supported by an individualized or particularized finding of probable cause to believe the target of the electronic surveillance is a foreign power or an agent of a foreign power.

TITLE IV—OTHER MATTERS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act.

SEC. 402. EFFECTIVE DATE.

Except as provided in section 103, this Act, and the amendments made by this Act, shall take effect on the date that is 30 days after the date of the enactment of this Act.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. DORGAN, Mr.

LUGAR, Mr. AKAKA, Ms. MURKOWSKI, and Mr. CRAIG):

S. 1115. A bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise to introduce a comprehensive Energy efficiency bill. I am pleased to have the Ranking Member of the Energy Committee, the senior Senator from New Mexico, as my co-sponsor, along with Senator DORGAN, Senator LUGAR, Senator AKAKA, Senator MURKOWSKI and Senator CRAIG.

Energy efficiency can be viewed as the Nation's largest energy resource. Due to actions taken to increase efficiency since the 1973 oil crisis, we now save more energy each year than we get from any single energy supply resource, including oil.

When the Energy Policy Act of 2005 was signed into law in August of 2005, it included a strong package of energy efficiency initiatives. However, just a month later, when hurricanes devastated our Nation's primary oil and gas supply region and many of us recognized that we needed to enact additional and more aggressive efficiency measures.

During the last 2 years, gasoline, natural gas, and electricity prices have reached all-time high levels. These price increases cost American families and businesses over $300 billion dollars each year. In the 2006 elections, voters sent us a clear message that they wanted Congress to address high energy prices and also to provide solutions to climate change. Energy efficiency policies can alleviate both of these problems.

Our bill includes provisions that will improve efficiency in vehicles, buildings, appliances and industrial equipment. The legislation is also intended to motivate States and utilities to recognize energy efficiency as a resource and to remove current disincentives to programs that will benefit utility customers while reducing demand for electricity and natural gas.

Improving our energy productivity through efficiency has multiple benefits—it lowers the costs of consumers' energy bills; decreases the vulnerability of the economy to energy price shocks from natural disasters or problems with foreign sources of supply; provides environmental benefits such as lower air pollution and reduced greenhouse gas emissions. Moreover, energy efficiency investments help build local jobs and improve state economies.

The bill we are introducing today includes initiatives in six key areas: Promoting the development and use of advanced lighting technologies; Expediting new efficiency standards for appliances and industrial equipment; Promoting high efficiency vehicles, advanced batteries and energy storage; Setting aggressive goals for reducing gasoline consumption and improving overall energy productivity in the U.S.; Promoting Federal leadership in energy efficiency and renewable energy; and Assisting States, local governments and utilities in energy efficiency efforts.

In addition to the Energy Efficiency Promotion Act, I want to emphasize that other Senate committees are working on complementary efficiency initiatives, including the energy efficiency tax provisions we are developing in the Finance Committee and CAFE standards legislation in the Commerce Committee.

Finally, for the information on my colleagues, this bill is the 4th in a quartet of Energy bills that will be taken up by the Energy and Natural Resources Committee in the next few weeks. These bills are: S. 987, the Biofuels for Energy Security and Transportation Act; S. 731, the National Carbon Dioxide Storage Capacity Assessment Act; and S. 962 the Department of Energy Carbon Capture and Storage R D&D Act. We are working diligently to meet the Majority Leader's timetable for floor action on Energy legislation. I encourage Senators with questions or concerns about any of these bills to let me know so that we can try to address issues in a timely manner.

I have included at the end of my statement a preliminary estimate of the energy savings that would result from the implementation of the programs in this bill. I request that this estimate be printed in the RECORD.

There being no objection the material was ordered to be printed as follows.

ENERGY SAVING ESTIMATE FOR THE ENERGY EFFICIENCY PROMOTION ACT

Potential savings from the appliance efficiency standards included in Titles I and II: Electricity—At least 50 billion kilowatt hours per year, or enough to power roughly 4.8 million typical U.S. households; Natural gas—170 million therms per year or enough to heat about a quarter million typical U.S. homes; Water—At least 560 million gallons per day, or about 1.3 percent of total daily potable water usage; and Dollars—More than $12 billion in net present benefits for consumers.

POTENTIAL SAVINGS FROM FEDERAL GOVERNMENT LEADERSHIP IN EFFICIENCY—TITLE V

The Federal Government consumed 1.1 quadrillion Btus or ''quads'' of energy during Fiscal Year 2005. The Federal energy bill for Fiscal Year 2005 increased by 24 percent compared to Fiscal Year 2004.

About 30 percent of the Federal energy use is in standard buildings and about 60 percent is energy used by vehicles and equipment. Although savings can not be estimated at this time—the legislation requires the Federal Government to achieve a 30 percent reduction in energy usage per square foot by 2015 and to reduce its use of gasoline in fleet vehicles by 30 percent in Fiscal Year 2016.

POTENTIAL SAVINGS FROM ELECTRIC AND GAS UTILITY EFFICIENCY PROGRAMS—TITLE VI

Assuming all State utility regulatory commissions and nonregulated utilities adopt the energy efficiency policies and cost-effective energy efficiency programs recommended in this bill, the estimate cumulative potential energy savings by 2020 would be 7.8 quads and the energy cost savings would be $12 billion.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Energy Efficiency Promotion Act of 2007''.

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

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of Energy.

TITLE I—PROMOTING ADVANCED LIGHTING TECHNOLOGIES

SEC. 101. ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended by adding the following:

''(f) ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.—

''(1) IN GENERAL.—Not later than October 1, 2010, in accordance with guidelines issued by the Secretary, all general purpose lighting in Federal buildings shall be Energy Star products or products designated under the Federal Energy Management Program.

''(2) GUIDELINES.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection.''.

SEC. 102. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking ''or similar bulb shapes (excluding ER or BR)'' and inserting ''ER, BR, BPAR, or similar bulb shapes''; and

(ii) by striking ''2.75'' and inserting ''2.25''; and

(B) by striking ''is either—'' and all that follows through subclause (II) and inserting ''has a rated wattage that is 40 watts or higher''; and

(2) by adding at the end the following:

''(52) BPAR INCANDESCENT REFLECTOR LAMP.—The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21–278 on page 32 of ANSI C78.21–2003.

''(53) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

''(A) BR INCANDESCENT REFLECTOR LAMP.—The term 'BR incandescent reflector lamp' means a reflector lamp that has—

''(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, including the referenced reflective characteristics in part 7 of ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(54) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

''(A) ER INCANDESCENT REFLECTOR LAMP.—The term 'ER incandescent reflector lamp' means a reflector lamp that has—

''(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

''(ii) a finished size and shape shown in ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

''(B) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

''(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

''(55) R20 INCANDESCENT REFLECTOR LAMP.—The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1–1994.''.''.

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6925(i)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

''(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

''FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

''INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

''(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

''(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

''(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

''(iii) R20 incandescent reflector lamps rated 45 watts or less.

''(D) EFFECTIVE DATES.—

''(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

''(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after January 1, 2008.''.

SEC. 103. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having a lifetime exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape similar to a 60-watt incandescent A19 bulb in accordance with American National Standards Institute standard C78.20–2003, figure C78.20–211;

(I) using an incandescent bulb power receptacle; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the ''PAR Type 38 Halogen Replacement Lamp Prize'') to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having a lifetime exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78–21–2003, figure C78.21–238;

(I) using a PAR 38 halogen power receptacle; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—The Secretary may accept and use funding from private sources as part of the prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(g) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(h) BRIGHT LIGHT TOMORROW AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Light Tomorrow permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 104. SENSE OF SENATE CONCERNING EFFICIENT LIGHTING STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) there are approximately 4,000,000,000 screw-based sockets in the United States that contain traditional, energy-inefficient, incandescent light bulbs;

(2) incandescent light bulbs are based on technology that is more than 125 years old;

(3) there are radically more efficient lighting alternatives in the market, with the promise of even more choices over the next several years;

(4) national policy can support a rapid substitution of new, energy-efficient light bulbs for the less efficient products in widespread use; and,

(5) transforming the United States market to use of more efficient lighting technologies can—

(A) reduce electric costs in the United States by more than $18,000,000,000 annually;

(B) save the equivalent electricity that is produced by 80 base load coal-fired power plants; and

(C) reduce fossil fuel related emissions by approximately 158,000,000 tons each year.

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

(1) pass a set of mandatory, technology-neutral standards to establish firm energy efficiency performance targets for lighting products;

(2) ensure that the standards become effective within the next 10 years; and

(3) in developing the standards—

(A) establish the efficiency requirements to ensure that replacement lamps will provide consumers with the same quantity of light while using significantly less energy;

(B) ensure that consumers will continue to have multiple product choices, including energy-saving halogen, incandescent, compact fluorescent, and LED light bulbs; and

(C) work with industry and key stakeholders on measures that can assist consumers and businesses in making the important transition to more efficient lighting.

TITLE II—EXPEDITING NEW ENERGY EFFICIENCY STANDARDS

SEC. 201. DEFINITION OF ENERGY CONSERVATION STANDARD.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by striking paragraph (6) and inserting the following:

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means—

''(i) 1 or more performance standards that prescribe a minimum level of energy efficiency or a maximum quantity of energy use, and, in the case of a showerhead, faucet, water closet, urinal, clothes washer, and dishwasher, water use, for a covered product, determined in accordance with test procedures prescribed under section 323; and

''(ii) 1 or more design requirements.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes any other requirements that the Secretary may prescribe under subsections (o) and (r) of section 325.''.

SEC. 202. REGIONAL STANDARDS FOR HEATING AND COOLING PRODUCTS.

Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)) is amended by adding at the end the following:

''(6) REGIONAL STANDARDS FOR HEATING AND COOLING PRODUCTS.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may establish regional standards for space heating and air conditioning products.

''(B) MAXIMUM NUMBER OF REGIONS.—For each space heating and air conditioning product, the Secretary may establish not more than 3 regions with differing standards.

''(C) BOUNDARIES OF REGIONS.—

''(i) IN GENERAL.—The Secretary shall establish the regions so as to achieve the maximum level of energy savings that are technically feasible and economically justifiable.

''(ii) STATE BOUNDARIES.—Boundaries for a region shall conform to State borders and only include contiguous States (other than Alaska and Hawaii, which shall be noncontiguous).

''(D) FACTORS FOR ESTABLISHMENT.—In deciding whether to establish 1 or more regional standards for space heating and air

conditioning equipment, the Secretary shall consider all of the factors described in paragraphs (1) through (4).''.

SEC. 203. FURNACE FAN RULEMAKING.

Section 325(f)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(3)) is amended by adding at the end the following:

''(E) FINAL RULE.—

''(i) IN GENERAL.—The Secretary shall publish a final rule to carry out this subsection not later than December 31, 2012.

''(ii) CRITERIA.—The standards shall meet the criteria established under subsection (o).''.

SEC. 204. EXPEDITED RULEMAKINGS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

''(hh) EXPEDITED RULEMAKING FOR CONSENSUS STANDARDS.—

''(1) IN GENERAL.—The Secretary shall conduct an expedited rulemaking based on an energy conservation standard or test procedure recommended by interested persons, if—

''(A) the interested persons (demonstrating significant and broad support from manufacturers of a covered product, States, and environmental, energy efficiency, and consumer advocates) submit a joint comment recommending a consensus energy conservation standard or test procedure; and

''(B) the Secretary determines that the joint comment includes evidence that (assuming no other evidence were considered) provides an adequate basis for determining that the proposed consensus energy conservation standard or test procedure proposed in the joint comment complies with the provisions and criteria of this Act (including subsection o)) that apply to the type or class of covered products covered by the joint comment.

''(2) PROCEDURE.—

''(A) IN GENERAL.—Notwithstanding subsection (p) or section 336(a), if the Secretary receives a joint comment that meets the criteria described in paragraph (1), the Secretary shall conduct an expedited rulemaking with respect to the standard or test procedure proposed in the joint comment in accordance with this paragraph.

''(B) ADVANCED NOTICE OF PROPOSED RULEMAKING.—If no advanced notice of proposed rulemaking has been issued under subsection (p)(1) with respect to the rulemaking covered by the joint comment, the requirements of subsection (p) with respect to the issuance of an advanced notice of proposed rulemaking shall not apply.

''(C) PUBLICATION OF DETERMINATION.—Not later than 60 days after receipt of a joint comment described in paragraph (1)(A), the Secretary shall publish a description of a determination as to whether the proposed standard or test procedure covered by the joint comment meets the criteria described in paragraph (1).

''(D) PROPOSED RULE.—

''(i) PUBLICATION.—If the Secretary determines that the proposed consensus standard or test procedure covered by the joint comment meets the criteria described in paragraph (1), not later than 30 days after the determination, the Secretary shall publish a proposed rule proposing the consensus standard or test procedure covered by the joint comment.

''(ii) PUBLIC COMMENT PERIOD.—Notwithstanding paragraphs (2) and (3) of subsection (p), the public comment period for the proposed rule shall be the 30–day period beginning on the date of the publication of the proposed rule in the Federal Register.

''(iii) PUBLIC HEARING.—Notwithstanding section 336(a), the Secretary may waive the holding of a public hearing with respect to the proposed rule.

''(E) FINAL RULE.—Notwithstanding subsection (p)(4), the Secretary—

''(i) may publish a final rule at any time after the 60-day period beginning on the date of publication of the proposed rule in the Federal Register; and

''(ii) shall publish a final rule not later than 120 days after the date of publication of the proposed rule in the Federal Register.''.

SEC. 205. PREEMPTION LIMITATION.

Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking ''or'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(8) is a State regulation for a product for which a Federal energy conservation standard has not been established, in that—

''(A) the product is excluded from or not directly affected by a Federal standard; or

''(B) a rulemaking occurs that ultimately does not prescribe a Federal energy conservation standard for the product.''; and

(2) in subsection (c)—

(A) in paragraph (8), by striking the period at the end and inserting ''; or''; and

(B) by adding at the end the following:

''(9) is a State regulation for a product for which a Federal energy conservation standard has not been established, in that—

''(A) the product is excluded from or not directly affected by a Federal standard; or

''(B) a rulemaking occurs that ultimately does not prescribe a Federal energy conservation standard for the product.''.

SEC. 206. ENERGY EFFICIENCY LABELING FOR CONSUMER PRODUCTS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal Trade Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall promulgate regulations to add the consumer electronics product categories described in subsection (b) to the Energy Guide labeling program of the Commission.

(b) CONSUMER ELECTRONICS PRODUCT CATEGORIES.—The consumer electronics product categories referred to in subsection (a) are the following:

(1) Televisions.

(2) Personal computers.

(3) Cable or satellite set-top boxes.

(4) Stand-alone digital video recorder boxes (including TIVO and similar branded products).

(5) Computer monitors.

(c) LABEL PLACEMENT.—The regulations shall include specific requirements for each product on the placement of Energy Guide labels.

(d) DEADLINE FOR LABELING.—Not later than 1 year after the date of promulgation of regulations under subsection (a), the Commission shall require labeling electronic products described in subsection (b) in accordance with this section (including the regulations).

(e) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may add additional product categories to the Energy Guide labeling program if the product categories include products, as determined by the Commission—

(1) that have an annual energy use in excess of 100 kilowatt hours per year; and

(2) for which there is a significant difference in energy use between the most and least efficient products.

SEC. 207. RESIDENTIAL BOILER EFFICIENCY STANDARDS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) BOILERS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

''(B) PILOTS.—The manufacturer shall not equip gas hot water or steam boilers with constant-burning pilot lights.

''(C) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

''(i) IN GENERAL.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with tankless domestic water heating coils) with an automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

''(ii) CERTAIN BOILERS.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

''(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clauses (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

''(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.''.

SEC. 208. TECHNICAL CORRECTIONS.

Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking ''82'' and inserting ''87''.

SEC. 209. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended by striking subparagraph (A) and inserting the following:

''(A)(i) The term 'electric motor' means—

''(I) a general purpose electric motor - subtype I; and

''(II) a general purpose electric motor - subtype II.

''(ii) The term 'general purpose electric motor - subtype I' means any motor that is considered a general purpose motor under section 431.12 of title 10, Code of Federal Regulations (or successor regulations).

''(iii) The term 'general purpose electric motor - subtype II' means a motor that, in addition to the design elements for a general purpose electric motor - subtype I, incorporates the design elements (as established in National Electrical Manufacturers Association MG-1 (2006)) (or successor design elements) for any of the following:

''(I) A U-Frame Motor.

''(II) A Design C Motor.

''(III) A close-coupled pump motor.

''(IV) A footless motor.

''(V) A vertical solid shaft normal thrust (tested in a horizontal configuration).

''(VI) An 8-pole motor.

''(VII) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts).''.

(b) STANDARDS.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(13)) is amended by striking paragraph (1) and inserting the following:

''(1) STANDARDS.—

''(A) GENERAL PURPOSE ELECTRIC MOTORS - SUBTYPE I.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a general purpose electric motor - subtype I with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12-12 of National Electrical Manufacturers Association (referred to in this paragraph as 'NEMA') MG-1 (2006) (or a successor table).

''(ii) FIRE PUMP MOTORS.—A fire pump motor shall have a nominal full load efficiency established in Table 12-11 of NEMA MG-1 (2006) (or a successor table).

''(B) GENERAL PURPOSE ELECTRIC MOTORS - SUBTYPE II .—A general purpose electric motor - subtype II with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12-11 of NEMA MG-1 (2006) (or a successor table).

''(C) DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—A NEMA Design B, general purpose electric motor with a power rating of not less than 201, and not more than 500, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of the enactment of this subparagraph shall have a nominal full load efficiency established in Table 12-11 of NEMA MG-1 (2006) (or a successor table).''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 210. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321(6)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(A)) is amended by striking ''or, in the case of'' and inserting ''and, in the case of residential clothes washers, residential dishwashers,''.

(b) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

''(4) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014, and including any amended standards.''.

(c) RESIDENTIAL CLOTHES WASHERS AND DISHWASHERS.—Section 325(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(4)) is amended by adding at the end the following:

''(D) CLOTHES WASHERS.—

''(i) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—A residential clothes washer manufactured on or after January 1, 2011, shall have—

''(I) an energy factor of at least 1.26; and

''(II) a water factor of not more than 9.5.

''(ii) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2015.—Not later than December 31, 2011, the Secretary shall publish a final rule determining whether to amend the standards in effect for residential clothes washers manufactured on or after January 1, 2015, and including any amended standards.

''(E) DISHWASHERS.—

''(i) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—A dishwasher manufactured on or after January 2, 2010, shall use not more than—

''(I) in the case of a standard-size dishwasher, 355 kWh per year or 6.5 gallons of water per cycle; and

''(II) in the case of a compact-size dishwasher, 260 kWh per year or 4.5 gallons of water per cycle.

''(ii) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—Not later than December 31, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 2, 2018, and including any amended standards.''.

(d) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended—

(1) in paragraph (1), by inserting ''and before October 1, 2012,'' after ''2007,''; and

(2) by striking paragraph (2) and inserting the following:

''(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

Product Capacity (pints/day):	Minimum Energy Factor liters/kWh
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
Greater than 75.00	2.5.''

(e) ENERGY STAR PROGRAM.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking ''2010'' and inserting ''2009''.

SEC. 211. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including increased use of renewable resources, including fuel.''.

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting '', or products with improved energy efficiency in cold climates,'' after ''residential Energy Star products''; and

(2) in subsection (e), by inserting ''or product with improved energy efficiency in a cold climate'' after ''residential Energy Star product'' each place it appears.

SEC. 212. DEPLOYMENT OF NEW TECHNOLOGIES FOR HIGH-EFFICIENCY CONSUMER PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) ENERGY SAVINGS.—The term ''energy savings'' means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

(2) HIGH-EFFICIENCY CONSUMER PRODUCT.—The term ''high-efficiency consumer product'' means a product that exceeds the energy efficiency of comparable products available in the market by at least 25 percent.

(b) FINANCIAL INCENTIVES PROGRAM.—Effective beginning October 1, 2007, the Secretary shall competitively award financial incentives under this section for the manufacture of high-efficiency consumer products.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall make awards under this section to manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

(2) ACCEPTANCE OF BIDS.—In making awards under this section, the Secretary shall—

(A) solicit bids for reverse auction from appropriate manufacturers, as determined by the Secretary; and

(B) award financial incentives to the manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

(d) FORMS OF AWARDS.—An award for a high-efficiency consumer product under this section shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

(1) the amount of the bid by the manufacturer of the high-efficiency consumer product; and

(2) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under regulations issued by the Secretary.

TITLE III—PROMOTING HIGH EFFICIENCY VEHICLES, ADVANCED BATTERIES, AND ENERGY STORAGE

SEC. 301. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys and carbon fibers) required for the construction of lighter-weight vehicles may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2007 through 2012.

SEC. 302. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking ''grants to automobile manufacturers'' and inserting ''grants and loan guarantees under section 1703 to automobile manufacturers and suppliers''.

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by by striking paragraph (8) and inserting the following:

''(8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive transportation technology and advanced diesel vehicles.''.

SEC. 303. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADJUSTED AVERAGE FUEL ECONOMY.—The term ''adjusted average fuel economy'' means the average fuel economy of a manufacturer for all light duty vehicles produced by the manufacturer, adjusted such that the fuel economy of each vehicle that qualifies for an award shall be considered to be equal to the average fuel economy for vehicles of a similar footprint for model year 2002.

(2) ADVANCED TECHNOLOGY VEHICLE.—The term ''advanced technology vehicle'' means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy for vehicles of a substantially similar footprint.

(3) COMBINED FUEL ECONOMY.—The term ''combined fuel economy'' means—

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32908 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers Recommended Practice J1711 or a similar practice recommended by the Secretary .

(4) ENGINEERING INTEGRATION COSTS.—The term ''engineering integration costs'' includes the cost of engineering tasks relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing new tooling and equipment for production facilities that produce qualifying components or advanced technology vehicles.

(5) QUALIFYING COMPONENTS.—The term ''qualifying components'' means components that the Secretary determines to be—

(A) specially designed for advanced technology vehicles; and

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(b) MANUFACTURER FACILITY CONVERSION AWARDS.—The Secretary shall provide facility conversion funding awards under this section to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(1) reequipping or expanding an existing manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2017; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2017.

(d) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2002.

SEC. 304. ENERGY STORAGE COMPETITIVENESS.

(a) SHORT TITLE.—This section may be cited as the ''United States Energy Storage Competitiveness Act of 2007''.

(b) ENERGY STORAGE SYSTEMS FOR MOTOR TRANSPORTATION AND ELECTRICITY TRANSMISSION AND DISTRIBUTION.—

(1) DEFINITIONS.—In this subsection:

(A) COUNCIL.—The term ''Council'' means the Energy Storage Advisory Council established under paragraph (3).

(B) COMPRESSED AIR ENERGY STORAGE.—The term ''compressed air energy storage'' means, in the case of an electricity grid application, the storage of energy through the compression of air.

(C) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(D) FLYWHEEL.—The term ''flywheel'' means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(E) ULTRACAPACITOR.—The term ''ultracapacitor'' means an energy storage device that has a power density comparable to conventional capacitors but capable of exceeding the energy density of conventional capacitors by several orders of magnitude.

(2) PROGRAM.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(3) ENERGY STORAGE ADVISORY COUNCIL.—

(A) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(B) COMPOSITION.—

(i) IN GENERAL.—Subject to clause (ii), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(ii) ENERGY STORAGE INDUSTRY.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(iii) CHAIRPERSON.—The Secretary shall select a Chairperson for the Council from among the members appointed under clause (i)

(C) MEETINGS.—

(i) IN GENERAL.—The Council shall meet not less than once a year.

(ii) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to a meeting of the Council.

(D) PLANS.—No later than 1 year after the date of enactment of this Act, in conjunction with the Secretary, the Council shall develop 5-year plans for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for motor transportation and electricity transmission and distribution.

(E) REVIEW.—The Council shall—

(i) assess the performance of the Department in meeting the goals of the plans developed under subparagraph (D); and

(ii) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(4) BASIC RESEARCH PROGRAM.—

(A) BASIC RESEARCH.—The Secretary shall conduct a basic research program on energy storage systems to support motor transportation and electricity transmission and distribution, including—

(i) materials design;

(ii) materials synthesis and characterization;

(iii) electrolytes, including bioelectrolytes;

(iv) surface and interface dynamics; and

(v) modeling and simulation.

(B) NANOSCIENCE CENTERS.—The Secretary shall ensure that the nanoscience centers of the Department—

(i) support research in the areas described in subparagraph (A), as part of the mission of the centers; and

(ii) coordinate activities of the centers with activities of the Council.

(5) APPLIED RESEARCH PROGRAM.—The Secretary shall conduct an applied research program on energy storage systems to support motor transportation and electricity transmission and distribution technologies, including—

(A) ultracapacitors;

(B) flywheels;

(C) compressed air energy systems;

(D) power conditioning electronics; and

(E) manufacturing technologies for energy storage systems.

(6) ENERGY STORAGE RESEARCH CENTERS.—

(A) IN GENERAL.—The Secretary shall establish, through competitive bids, 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

(B) PROGRAM MANAGEMENT.—The centers shall be jointly managed by the Under Secretary for Science and the Under Secretary of Energy of the Department.

(C) PARTICIPATION AGREEMENTS.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(D) PLANS.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under paragraph (3)(D).

(E) COST SHARING.—In carrying out this paragraph, the Secretary shall require cost-sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(F) NATIONAL LABORATORIES.—A national laboratory (as defined in section 2 of the Energy Policy Act 2005 (42 U.S.C. 15801)) may participate in a center established under this paragraph as part of a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(G) INTELLECTUAL PROPERTY.—A participant in a center under this paragraph shall

have a royalty-free, exclusive nontransferable license to intellectual property that the center invents from funding received under this subsection.

(7) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 5 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in making the United States globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

(A) the basic research program under paragraph (4) $50,000,000 for each of fiscal years 2008 through 2017;

(B) the applied research program under paragraph (5) $80,000,000 for each of fiscal years 2008 through 2017; and;

(C) the energy storage research center program under paragraph (6) $100,000,000 for each of fiscal years 2008 through 2017.

(c) ADVANCED BATTERY AND ELECTRIC VEHICLE TECHNOLOGY PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) BATTERY.—The term ''battery'' means an electrochemical energy storage device powered directly by electrical current.

(B) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term ''electric drive transportation technology'' means vehicle systems that use stored electrical energy to provide motive power, including electric motors and drivetrain systems.

(2) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for batteries and electric drive transportation technology, including—

(A) batteries;

(B) on-board and off-board charging components;

(C) drivetrain systems;

(D) vehicles systems integration; and

(E) control systems, including systems that optimize for—

(i) prolonging battery life;

(ii) reduction of petroleum consumption; and

(iii) reduction of fossil fuel emissions.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $200,000,000 for each of fiscal years 2007 through 2012.

TITLE IV—SETTING ENERGY EFFICIENCY GOALS

SEC. 401. NATIONAL GOALS FOR ENERGY SAVINGS IN TRANSPORTATION.

(a) GOALS.—The goals of the United States are to reduce gasoline usage in the United States from the levels projected under subsection (b) by—

(1) 20 percent by calendar year 2017;

(2) 35 percent by calendar year 2025; and

(3) 45 percent by calendar year 2030.

(b) MEASUREMENT.—For purposes of subsection (a), reduction in gasoline usage shall be measured from the estimates for each year in subsection (a) contained in the reference case in the report of the Energy Information Administration entitled ''Annual Energy Outlook 2007''.

(c) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for reduction in gasoline usage established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public comment.

(d) PLAN CONTENTS.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(e) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) to the maximum extent practicable, verify energy savings resulting from the policies.

(f) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (c) and each updated plan.

SEC. 402. NATIONAL ENERGY EFFICIENCY IMPROVEMENT GOALS.

(a) GOALS.—The goals of the United States are—

(1) to achieve an improvement in the overall energy productivity of the United States (measured in gross domestic product per unit of energy input) of at least 2.5 percent per year by the year 2012; and

(2) to maintain that annual rate of improvement each year through 2030.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for improvement in energy productivity established under subsection (a).

(2) PUBLIC INPUT AND COMMENT.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public input and comment.

(c) PLAN CONTENTS.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(d) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) verify, to the maximum extent practicable, energy savings resulting from the policies.

(e) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (b) and each updated plan.

(f) NATIONAL ACTION PLAN ON ENERGY EFFICIENCY.—The Administrator of the Environmental Protection Agency and the Secretary, with the heads of other Federal agencies as appropriate, shall continue to support maintenance and updating of the National Action Plan on Energy Efficiency to help inform the development of the strategic plan under subsection (b).

SEC. 403. NATIONWIDE MEDIA CAMPAIGN TO INCREASE ENERGY EFFICIENCY.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the ''Secretary''), shall develop and conduct a national media campaign for the purpose of increasing energy efficiency throughout the economy of the United States over the next decade.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for the following:

(A) ADVERTISING COSTS.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(v) The negotiated fees for the winning bidder on requests from proposals issued either by the Secretary for purposes otherwise authorized in this section.

(vi) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(B) ADMINISTRATIVE COSTS.—Operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership,

or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

TITLE V—PROMOTING FEDERAL LEADERSHIP IN ENERGY EFFICIENCY AND RENEWABLE ENERGY

SEC. 501. FEDERAL FLEET CONSERVATION REQUIREMENTS.

(a) FEDERAL FLEET CONSERVATION REQUIREMENTS.—

(1) IN GENERAL.—Part J of title III of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

''SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

''(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—The Secretary shall issue regulations for Federal fleets subject to section 400AA requiring that not later than October 1, 2015, each Federal agency achieve at least a 20 percent reduction in petroleum consumption, and that each Federal agency increase alternative fuel consumption by 10 percent annually, as calculated from the baseline established by the Secretary for fiscal year 2005.

''(2) PLAN.—

''(A) REQUIREMENT.—The regulations shall require each Federal agency to develop a plan to meet the required petroleum reduction levels and the alternative fuel consumption increases.

''(B) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

''(i) the use of alternative fuels;

''(ii) the acquisition of vehicles with higher fuel economy, including hybrid vehicles and plug–in hybrid vehicles if the vehicles are commercially available;

''(iii) the substitution of cars for light trucks;

''(iv) an increase in vehicle load factors;

''(v) a decrease in vehicle miles traveled;

''(vi) a decrease in fleet size; and

''(vii) other measures.

''(b) FEDERAL EMPLOYEE INCENTIVE PROGRAMS FOR REDUCING PETROLEUM CONSUMPTION.—

''(1) IN GENERAL.—Each Federal agency shall actively promote incentive programs that encourage Federal employees and contractors to reduce petroleum through the use of practices such as—

''(A) telecommuting;

''(B) public transit;

''(C) carpooling; and

''(D) bicycling.

''(2) MONITORING AND SUPPORT FOR INCENTIVE PROGRAMS.—The Administrator of General Services, the Director of the Office of Personnel Management, and the Secretary of Energy shall monitor and provide appropriate support to agency programs described in paragraph (1).

''(3) RECOGNITION.—The Secretary may establish a program under which the Secretary recognizes private sector employers and State and local governments for outstanding programs to reduce petroleum usage through practices described in paragraph (1).

''(c) REPLACEMENT TIRES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the regulations issued under subsection (a)(1) shall include a requirement that, to the maximum extent practicable, each Federal agency purchase energy-efficient replacement tires for the respective fleet vehicles of the agency.

''(2) EXCEPTIONS.—This section does not apply to—

''(A) law enforcement motor vehicles;

''(B) emergency motor vehicles; or

''(C) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary must be exempt for national security reasons.

''(d) ANNUAL REPORTS ON COMPLIANCE.—The Secretary shall submit to Congress an annual report that summarizes actions taken by Federal agencies to comply with this section.''.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part J of title III the following:

''Sec. 400FF. Federal fleet conservation requirements.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the amendment made by this section $10,000,000 for the period of fiscal years 2008 through 2013.

SEC. 502. FEDERAL REQUIREMENT TO PURCHASE ELECTRICITY GENERATED BY RENEWABLE ENERGY.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by striking subsection (a) and inserting the following:

''(a) REQUIREMENT.—

''(1) IN GENERAL.—The President, acting through the Secretary, shall ensure that, of the total quantity of domestic electric energy the Federal Government consumes during any fiscal year, the following percentages shall be renewable energy from facilities placed in service after January 1, 1999:

''(A) Not less than 10 percent in fiscal year 2010.

''(B) Not less than 15 percent in fiscal year 2015.

''(2) CAPITOL COMPLEX.—The Architect of the Capitol, in consultation with the Secretary, shall ensure that, of the total quantity of electric energy the Capitol complex consumes during any fiscal year, the percentages prescribed in paragraph (1) shall be renewable energy.

''(3) WAIVER AUTHORITY.—The President may reduce or waive the requirement under paragraph (1) on an annual basis, if the President determines that the average governmentwide cost per kilowatt hour of complying with paragraph (1) will be more than 50 percent higher than the average governmentwide cost per kilowatt-hour for electric energy in the preceding year.''.

SEC. 503. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) RETENTION OF SAVINGS.—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

(b) FINANCING FLEXIBILITY.—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

''(E) SEPARATE CONTRACTS.—In carrying out a contract under this title, a Federal agency may—

''(i) enter into a separate contract for energy services and conservation measures under the contract; and

''(ii) provide all or part of the financing necessary to carry out the contract.''.

(c) SUNSET AND REPORTING REQUIREMENTS.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

(d) DEFINITION OF ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking ''means a reduction'' and inserting ''means—

''(A) a reduction'';

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(B) the increased efficient use of an existing energy source by cogeneration or heat recovery, and installation of renewable energy systems;

''(C) the sale or transfer of electrical or thermal energy generated on-site, but in excess of Federal needs, to utilities or non-Federal energy users; and

''(D) the increased efficient use of existing water sources in interior or exterior applications.''.

(e) ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.—

(1) DEFINITIONS.—In this subsection:

(A) NONBUILDING APPLICATION.—The term ''nonbuilding application'' means—

(i) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(I) that transportation; or

(II) maintaining a controlled environment within the vehicle, device, or equipment; and

(ii) any federally-owned equipment used to generate electricity or transport water.

(B) SECONDARY SAVINGS.—

(i) IN GENERAL.—The term ''secondary savings'' means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(ii) INCLUSIONS.—The term ''secondary savings'' includes—

(I) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(II) personnel cost savings and environmental benefits; and

(III) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(2) STUDY.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(B) REQUIREMENTS.—The study under this subsection shall include—

(i) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(ii) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to such use; and

(iii) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

SEC. 504. ENERGY MANAGEMENT REQUIREMENTS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

''Fiscal Year	Percentage reduction
2006	2
2007	4
2008	9

''Fiscal Year	Percentage reduction
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30.''.

SEC. 505. COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

''(f) COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in consultation with the Administrator of General Services and the Secretary of Defense, shall identify Federal sites that could achieve significant cost-effective energy savings through the use of combined heat and power or district energy installations.

''(2) INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary shall provide agencies with information and technical assistance that will enable the agencies to take advantage of the energy savings described in paragraph (1).

''(3) ENERGY PERFORMANCE REQUIREMENTS.—Any energy savings from the installations described in paragraph (1) may be applied to meet the energy performance requirements for an agency under subsection (a)(1).''.

SEC. 506. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

Section 305(a)(3) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)) is amended by striking ''(3)(A)'' and all that follows through the end of subparagraph (A) and inserting the following:

''(3) FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Efficiency Promotion Act of 2007, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that:

''(i) For new Federal buildings and Federal buildings undergoing major renovations:

''(I) The buildings be designed to achieve energy consumption levels that are at least 30 percent below the levels established in the version of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, that is in effect as of the date of enactment of the Energy Efficiency Promotion Act of 2007.

''(II) The buildings be designed so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with the fossil fuel-generated energy consumption by a similar Federal building in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency), by the percentage specified in the following table:

''Fiscal Year	Percentage Reduction
2007	50
2010	60
2015	70
2020	80
2025	90
2030	100.

''(III) Sustainable design principles are applied to the siting, design, and construction of all new and replacement buildings and major renovations of buildings.

''(ii) If water is used to achieve energy efficiency, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost-effective.''.

SEC. 507. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)(2), by striking ''the Council of American'' and all that follows through ''2003'' and inserting ''the 2006'';

(2) in subsection (b)—

(A) in the heading, by striking ''MODEL ENERGY CODE.—'' and inserting ''INTERNATIONAL ENERGY CONSERVATION CODE.—''; and

(B) by striking ''CABO'' and all that follows through ''2003'' and inserting ''the 2006'';

(3) in subsection (c)—

(A) in the heading, by striking ''MODEL ENERGY CODE AND''; and

(B) by striking ''CABO'' and all that follows through ''2003'' and inserting ''the 2006''; and

(4) by adding at the end the following:

''(d) FAILURE TO AMEND THE STANDARDS.—Not later than 1 year after the requirements of the 2006 International Energy Conservation Code are revised, if the Secretaries have not amended the energy efficiency standards under this section or made a determination under subsection (c), and if the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that such revised International Energy Conservation Code would improve energy efficiency, all new construction of housing described in subsection (a) shall meet the requirements of such revised International Energy Conservation Code.''.

TITLE VI—ASSISTING STATE AND LOCAL GOVERNMENTS IN ENERGY EFFICIENCY

SEC. 601. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking ''$700,000,000 for fiscal year 2008'' and inserting ''$750,000,000 for each of fiscal years 2008 through 2012''.

SEC. 602. STATE ENERGY CONSERVATION PLANS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking ''fiscal year 2008'' and inserting ''each of fiscal years 2008 through 2012''.

SEC. 603. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) ELECTRIC UTILITIES.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

''(16) INTEGRATED RESOURCE PLANNING.—Each electric utility shall—

''(A) integrate energy efficiency resources into utility, State, and regional plans; and

''(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

''(17) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

''(i) align utility incentives with the delivery of cost-effective energy efficiency; and

''(ii) promote energy efficiency investments.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

''(ii) providing utility incentives for the successful management of energy efficiency programs;

''(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

''(iv) adopting rate designs that encourage energy efficiency for each customer class; and

''(v) allowing timely recovery of energy efficiency-related costs.''.

(b) NATURAL GAS UTILITIES.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 3203(b)) is amended by adding at the end the following:

''(5) ENERGY EFFICIENCY.—Each natural gas utility shall—

''(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

''(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

''(6) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

''(A) IN GENERAL.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

''(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

''(i) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

''(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

''(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

''(iv) adopting rate designs that encourage energy efficiency for each customer class.''.

SEC. 604. ENERGY EFFICIENCY AND DEMAND RESPONSE PROGRAM ASSISTANCE.

The Secretary shall provide technical assistance regarding the design and implementation of the energy efficiency and demand response programs established under this title, and the amendments made by this title, to State energy offices, public utility regulatory commissions, and nonregulated utilities through the appropriate national laboratories of the Department of Energy.

SEC. 605. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

(a) DEFINITIONS.—In this section

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a State;

(B) an eligible unit of local government within a State; and

(C) the District of Columbia.

(2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term ''eligible unit of local government'' means—

(A) a city with a population of at least 35,000; and

(B) a county with a population of at least 200,000.

(3) STATE.—The term ''State'' means—

(A) each of the several States of the United States;

(B) the Commonwealth of Puerto Rico;

(C) Guam;

(D) American Samoa; and

(E) the United States Virgin Islands.

(b) PURPOSE.—The purpose of this section is to assist State and local governments in implementing strategies—

(1) to reduce fossil fuel emissions created as a result of activities within the boundaries of the States or units of local government;

(2) to reduce the total energy use of the States and units of local government; and

(3) to improve energy efficiency in the transportation sector, building sector, and any other appropriate sectors.

(c) PROGRAM.—

(1) IN GENERAL.—The Secretary shall provide to eligible entities block grants to carry out eligible activities (as specified under paragraph (2)) relating to the implementation of environmentally beneficial energy strategies.

(2) ELIGIBLE ACTIVITIES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Secretary of Housing and Urban Development, shall establish a list of activities that are eligible for assistance under the grant program.

(3) ALLOCATION TO STATES AND ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

(A) IN GENERAL.—Of the amounts made available to provide grants under this subsection, the Secretary shall allocate—

(i) 70 percent to eligible units of local government; and

(ii) 30 percent to States.

(B) DISTRIBUTION TO ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(i) to eligible units of local government, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible units of local government.

(ii) CRITERIA.—Amounts shall be distributed to eligible units of local government under clause (i) only if the eligible units of local government meet the criteria for distribution established by the Secretary for units of local government.

(C) DISTRIBUTION TO STATES.—

(i) IN GENERAL.—Of the amounts provided to States under subparagraph (A)(ii), the Secretary shall distribute—

(I) at least 1.25 percent to each State; and

(II) the remainder among the States, based on a formula, to be determined by the Secretary, that takes into account the population of the States and any other criteria that the Secretary determines to be appropriate.

(ii) CRITERIA.—Amounts shall be distributed to States under clause (i) only if the States meet the criteria for distribution established by the Secretary for States.

(iii) LIMITATION ON USE OF STATE FUNDS.—At least 40 percent of the amounts distributed to States under this subparagraph shall be used by the States for the conduct of eligible activities in nonentitlement areas in the States, in accordance with any criteria established by the Secretary.

(4) REPORT.—Not later than 2 years after the date on which an eligible entity first receives a grant under this section, and every 2 years thereafter, the eligible entity shall submit to the Secretary a report that describes any eligible activities carried out using assistance provided under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

(d) ENVIRONMENTALLY BENEFICIAL ENERGY STRATEGIES SUPPLEMENTAL GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall provide to each eligible entity that meets the applicable criteria under subparagraph (B)(ii) or (C)(ii) of subsection (c)(3) a supplemental grant to pay the Federal share of the total costs of carrying out an eligible activity (as specified under subsection (c)(2)) relating to the implementation of an environmentally beneficial energy strategy.

(2) REQUIREMENTS.—To be eligible for a grant under paragraph (1), an eligible entity shall—

(A) demonstrate to the satisfaction of the Secretary that the eligible entity meets the applicable criteria under subparagraph (B)(ii) or (C)(ii) of subsection (c)(3); and

(B) submit to the Secretary for approval a plan that describes the activities to be funded by the grant.

(3) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out any activities under this subsection shall be 75 percent.

(B) NON-FEDERAL SHARE.—

(i) FORM.—Not more than 50 percent of the non-Federal share may be in the form of in-kind contributions.

(ii) LIMITATION.—Amounts provided to an eligible entity under subsection (c) shall not be used toward the non-Federal share.

(4) MAINTENANCE OF EFFORT.—An eligible entity shall provide assurances to the Secretary that funds provided to the eligible entity under this subsection will be used only to supplement, not to supplant, the amount of Federal, State, and local funds otherwise expended by the eligible entity for eligible activities under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

(e) GRANTS TO OTHER STATES AND COMMUNITIES.—

(1) IN GENERAL.—Of the total amount of funds that are made available each fiscal year to carry out this section, the Secretary shall use 2 percent of the amount to make competitive grants under this section to States and units of local government that are not eligible entities or to consortia of such units of local government.

(2) APPLICATIONS.—To be eligible for a grant under this subsection, a State, unit of local government, or consortia described in paragraph (1) shall apply to the Secretary for a grant to carry out an activity that would otherwise be eligible for a grant under subsection (c) or (d).

(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to—

(A) States with populations of less than 2,000,000; and

(B) projects that would result in significant energy efficiency improvements, reductions in fossil fuel use, or capital improvements.

SEC. 606. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

(a) DEFINITIONS.—In this section:

(1) ENERGY SUSTAINABILITY.—The term ''energy sustainability'' includes using a renewable energy resource and a highly efficient technology for electricity generation, transportation, heating, or cooling.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(b) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT.—

(1) IN GENERAL.—The Secretary shall award not more than 100 grants to institutions of higher education to carry out projects to improve energy efficiency on the grounds and facilities of the institution of higher education, including not less than 1 grant to an institution of higher education in each State.

(2) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to—

(A) implement a public awareness campaign in the community in which the institution of higher education is located to promote the project; and

(B) submit to the Secretary, and make available to the public, reports on any improvements achieved as part of a project carried out under paragraph (1).

(c) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

(1) IN GENERAL.—The Secretary shall award not more than 250 grants to institutions of higher education to engage in innovative energy sustainability projects, including not less than 2 grants to institutions of higher education in each State.

(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

(A) involve an innovative technology that is not yet commercially available;

(B) have the greatest potential for testing or modeling new technologies or processes; and

(C) ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of the project.

(3) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out under paragraph (1).

(d) AWARDING OF GRANTS.—

(1) APPLICATION.—An institution of higher education that seeks to receive a grant under this section may submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

(2) SELECTION.—The Secretary shall establish a committee to assist in the selection of grant recipients under this section.

(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—Of the amount of grants provided for a fiscal year under this section, the Secretary shall provide not less 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000, with 50 percent of the allocation set aside for institutions of higher education that have an endowment of not more than $50,000,000.

(f) GRANT AMOUNTS.—The maximum amount of grants for a project under this section shall not exceed—

(1) in the case of grants for energy efficiency improvement under subsection (b), $1,000,000; or.

(2) in the case of grants for innovation in energy sustainability under subsection (c), $500,000.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 607. WORKFORCE TRAINING.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) WORKFORCE TRAINING.—

''(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Labor, shall promulgate regulations to implement a program to provide workforce training to meet the high demand for workers skilled in the energy efficiency and renewable energy industries.

''(2) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with

representatives of the energy efficiency and renewable energy industries concerning skills that are needed in those industries.''.

SEC. 608. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

Mr. DOMENICI. Mr. President, over 18 months ago, the President signed into law the Energy Policy Act of 2005. The enactment of that comprehensive legislation was a watershed event in structuring sound Energy policy for this Nation's future. We did a great deal in that energy bill on energy conservation and improved energy efficiency.

EPAct implemented new efficiency standards for 15 large commercial and residential appliances that have, in the past, consumed a great deal of energy, such as commercial washers, refrigerators, freezers, air-conditioners, and icemakers. In response to that mandate, the Department of Energy codified 15 new efficiency standards. Because of these new standards alone, we will save 50,000 megawatts of off-peak electricity use by 2020—which is an energy savings equal to more than eighty 600-megawatt power plants.

EPAct also encourages consumers to make their homes more energy efficient by giving them a 10-percent personal tax credit for energy efficient improvements. Additionally, homebuilders get a business tax credit for the construction of new homes that meet a 30-percent energy reduction standard. The law aids businesses in saving energy by providing a deduction for energy-efficient commercial buildings meeting a 50-percent energy reduction standard. Manufacturers are also assisted in building more energy-efficient home products via a manufacturers' tax credit for energy-efficient dishwashers, clothes washers, and refrigerators.

Still, there is no doubt that much can be done to improve the ways in which we use energy. That is why I am pleased today to introduce the Energy Efficiency Promotion Act of 2007 with Senator BINGAMAN. The bill we are introducing is a good starting point—but it is still a work in progress. I expect this bill to evolve over the course of the next several weeks with important input from those who will be tasked with implementing this policy and those who will be impacted by it. In particular, I am very interested in the Energy Department's views on this bill, and the committee will conduct a hearing next week at which the Department will testify.

The Energy Efficiency Promotion Act of 2007 represents over $12 billion in net present benefits for consumers. Potential electricity savings of 50 billion kilowatt hours per year equal enough energy savings to power almost 5 million households. Potential natural gas savings of 170 million therms per year equal enough energy savings to heat 250,000 households. And water savings from the legislation amount to about 560 million gallons per day.

This bill presses for better energy efficiency in the Federal Government—the appropriate place to start. Title I focuses on the promotion of energy-efficient lighting technologies within Federal Government and requires all general purpose lighting in Federal buildings to be Energy Star rated or designated as efficient by the Federal Energy Management Program. Title I also contains a sense of the Senate that Federal policies be adopted on efficient lightbulb standards.

Title II, which deals with energy efficiency standards, sets forth a number of consensus standards on such products as residential boilers, clothes washers, dishwashers, dehumidifiers, and electric motors. Such efficiency standards have the potential to save significant amounts of energy. This title also provides DOE with the authority to expedite rulemakings for energy-efficient consensus standards.

Title III promotes high efficiency vehicles, advanced batteries, and energy storage. It provides for lightweight materials research and development and loan guarantee the manufacture of fuel-efficient vehicle parts, including hybrid and advanced diesel vehicles.

Title IV sets forth national energy savings goals in the areas of transportation and the Nation's energy productivity. This title extends the President's goal for gasoline savings and further seeks to improve the Nation's overall energy productivity.

Title V calls for increased federal leadership in energy efficiency and renewable energy. It directs DOE to reduce petroleum consumption and increases the Federal requirement to purchase electricity generated by renewable energy. This title also permanently authorizes the Energy Savings Performance Contracts Program.

Title VI seeks to assist State and local governments with their ongoing efforts to improve their energy efficiency. It extends the authorization for both the Weatherization Assistance Program and the State Energy Conservation Program. This title also establishes energy efficiency grant programs for local governments and institutions of higher learning.

Again, I think the Energy Efficiency Promotion Act of 2007 we are introducing today is a good starting point for our continued work in the energy efficiency area. I look forward to working with Senator BINGAMAN, the administration, and all affected stakeholders as we move forward on this bill.

By Mr. BOND (for himself and Mr. DODD):

S. 1117. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Mr. President, children endure a lot. They cannot always tell us what's wrong. Often they do not know themselves. So it takes a special person to work with young people and help identify their problems. Every child deserves the opportunity to reach their full potential, but it takes more than a book-bag full of pencils, paper, books and rulers to equip children with the tools necessary to succeed in school.

The most important tool kids will take to school is their eyes. Good vision is critical to learning. 80 percent of what kids learn in their early school years is visual. Unfortunately, we overlook that fact sometimes. According to the CDC only one in three children receive any form of preventive vision care before entering school. That means many kids are in school with an undetected vision problem. One in four children has a vision problem that can interfere with learning. Some children are even labeled ''disruptive'' or thought to have a learning disability when the real reason for their difficulty is an undetected vision problem.

Without any vision care, some of our children will continue to fall through the cracks. I sympathize with these kids because I suffer from permanent vision loss in one eye as a result of undiagnosed Amblyopia in childhood. Amblyopia is the number one cause of vision loss in young Americans. If discovered and treated early, vision loss from Amblyopia can be largely prevented. Had I been identified and treated before I entered school, I could have avoided a lifetime of vision loss. Parents are not always aware that their child may suffer from a vision problem. By educating parents on the importance of vision care and recognizing signs of visual impairment we can help children avoid unnecessary vision loss.

To ensure that children get the vital vision care that they need to succeed, today Senator DODD and I are introducing the Vision Care for Kids Act which will establish a grant program to compliment and encourage existing State efforts to improve children's vision care. More specifically, grant funds will be used to: (1) provide comprehensive eye exams to children that have been previously identified as needing such services; (2) provide treatment or services necessary to correct vision problems identified in that eye exam; and (3) develop and disseminate educational materials to recognize the signs of visual impairment in children

for parents, teachers, and health care practitioners.

We need to do this. We must improve vision care for children to better equip them to succeed in school and in life. The Vision Care for Kids Act, endorsed by the American Academy of Ophthalmology, American Optometric Association, and Vision Council of America, will make a difference in the lives of children across the country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Vision Care for Kids Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Millions of children in the United States suffer from vision problems, many of which go undetected. Because children with vision problems can struggle developmentally, resulting in physical, emotional, and social consequences, good vision is essential for proper physical development and educational progress.

(2) Vision problems in children range from common conditions such as refractive errors, amblyopia, strabismus, ocular trauma, and infections, to rare but potentially life- or sight-threatening problems such as retinoblastoma, infantile cataracts, congenital glaucoma, and genetic or metabolic diseases of the eye.

(3) Since many serious ocular conditions are treatable if identified in the preschool and early school-aged years, early detection provides the best opportunity for effective treatment and can have far-reaching implications for vision.

(4) Various identification methods, including vision screening and comprehensive eye examinations required by State laws, can be helpful in identifying children needing services. A child identified as needing services through vision screening should receive a comprehensive eye examination followed by subsequent treatment as needed. Any child identified as needing services should have access to subsequent treatment as needed.

(5) There is a need to increase public awareness about the prevalence and devastating consequences of vision disorders in children and to educate the public and health care providers about the warning signs and symptoms of ocular and vision disorders and the benefits of early detection, evaluation, and treatment.

SEC. 3. GRANTS REGARDING VISION CARE FOR CHILDREN.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Director of the Centers for Disease Control and Prevention, may award grants to States on the basis of an established review process for the purpose of complementing existing State efforts for—

(1) providing comprehensive eye examinations by a licensed optometrist or ophthalmologist for children who have been previously identified through a vision screening or eye examination by a licensed health care provider or vision screener as needing such services, with priority given to children who are under the age of 9 years;

(2) providing treatment or services, subsequent to the examinations described in paragraph (1), necessary to correct vision problems; and

(3) developing and disseminating, to parents, teachers, and health care practitioners, educational materials on recognizing signs of visual impairment in children.

(b) CRITERIA AND COORDINATION.—

(1) CRITERIA.—The Secretary, in consultation with appropriate professional and consumer organizations including individuals with knowledge of age appropriate vision services, shall develop criteria—

(A) governing the operation of the grant program under subsection (a); and

(B) for the collection of data related to vision assessment and the utilization of follow up services.

(2) COORDINATION.—The Secretary shall, as appropriate, coordinate the program under subsection (a) with the program under section 330 of the Public Health Service Act (relating to health centers) (42 U.S.C. 254b), the program under title XIX of the Social Security Act (relating to the Medicaid program) (42 U.S.C. 1396 et seq.), the program under title XXI of such Act (relating to the State children's health insurance program) (42 U.S.C. 1397aa et seq.), and with other Federal or State programs that provide services to children.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary an application in such form, made in such manner, and containing such information as the Secretary may require, including—

(1) information on existing Federal, Federal-State, or State-funded children's vision programs;

(2) a plan for the use of grant funds, including how funds will be used to complement existing State efforts (including possible partnerships with non-profit entities);

(3) a plan to determine if a grant eligible child has been identified as provided for in subsection (a); and

(4) a description of how funds will be used to provide items or services, only as a secondary payer—

(A) for an eligible child, to the extent that the child is not covered for the items or services under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) for an eligible child, to the extent that the child receives the items or services from an entity that provides health services on a prepaid basis.

(d) EVALUATIONS.—To be eligible to receive a grant under subsection (a), a State shall agree that, not later than 1 year after the date on which amounts under the grant are first received by the State, and annually thereafter while receiving amounts under the grant, the State will submit to the Secretary an evaluation of the operations and activities carried out under the grant, including—

(1) an assessment of the utilization of vision services and the status of children receiving these services as a result of the activities carried out under the grant;

(2) the collection, analysis, and reporting of children's vision data according to guidelines prescribed by the Secretary; and

(3) such other information as the Secretary may require.

(e) LIMITATIONS IN EXPENDITURE OF GRANT.—A grant may be made under subsection (a) only if the State involved agrees that the State will not expend more than 20 percent of the amount received under the grant to carry out the purpose described in paragraph (3) of such subsection.

(f) DEFINITION.—For purposes of this section, the term ''comprehensive eye examination'' includes an assessment of a patient's history, general medical observation, external and ophthalmoscopic examination, visual acuity, ocular alignment and motility, refraction, and as appropriate, binocular vision or gross visual fields, performed by an optometrist or an ophthalmologist.

(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012.

Mr. DODD. Mr. President, today, Senator BOND and I are introducing the Vision Care for Kids Act of 2007. This legislation will provide follow-up vision care services for those children who have visual problems and are not covered under an insurance policy or under any Federal, or State health benefits program.

Why is this legislation needed? Let's look at the facts. According to the 2004 Vision Problems Action Plan, published by Prevent Blindness America, vision problems affect one in 20 preschoolers and 80 percent of children under age six are not screened for vision problems before entering public school.

Perhaps even more startling than the statistics I have just mentioned, is that 20 States do not require children to receive any vision care prior to entry or during their early school years. Thus, millions of children are at risk of having possible vision problems later in life.

I am pleased that my home State of Connecticut provides annual screenings to children in kindergarten through grade six. In addition, during the ninth grade, each student also receives a vision screening. Following the eye tests that are administered in Connecticut's schools, the local superintendent sends a note to the parent or guardian of each student who is found to have a problem.

Although Connecticut provides screenings in the early years, it is important to note that out of the 467,488 children in Connecticut, there are almost 70,000 who have untreated vision disorders, according to the most recent Census data. Nationwide, almost 6 million out of close to 40 million children have untreated vision disorders. The Centers for Disease Control and Prevention said that ''impaired vision can affect a child's cognitive, emotional, neurological, and physical development.''

With the introduction of the Vision Care for Kids Act, Senator BOND and I are seeking to improve the data I have outlined. When this legislation is enacted, the States will have the resources to pay for follow-up vision treatment for children who now do not have the financial means to undergo this much needed care.

Our initiative will enable Federal funding to complement existing State efforts in regard to: providing comprehensive eye examinations for children under age nine; furnishing the necessary treatment or services needed if an eye exam determines additional

care is needed; and developing educational materials for parents, teachers, and health care practitioners that will increase recognition of the signs of visual impairment in children. The Vision Care for Kids Act will serve as an incentive to States to provide eye care to those youngsters who are in need of treatment and are currently unable to access care.

This year, we are working on the reauthorization of the State Children's Health Insurance Program (SCHIP). SCHIP was created to provide health care to millions of children who were previously uninsured. Over the last ten years, we have seen the positive impact of this essential program. Passage of the Vision Care for Kids Act will be a key component of ensuring that we have a comprehensive children's health care delivery system in this country. I look forward to working with Senator BOND and my colleagues to see that this legislation is not only is not only passed by this body soon, but that it is signed into law.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 1118. A bill to improve the energy security of the United States by raising average fuel economy standards, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, today I am pleased to be joined by Senator CRAIG to introduce legislation called the Fuel Efficiency Act of 2007. This legislation is an important component of broader legislation that my colleague and I recently introduced on March 14, 2007. That legislation is a balanced plan with the overall goal to improve the energy security of the U.S. through a 50 percent reduction in the oil intensity of the economy by 2030.

This is important to me because the United States remains dangerously dependent on foreign sources of oil. Today we import over 60 percent of our oil from Iraq, Kuwait, Saudi Arabia, Nigeria, Venezuela, and other unstable nations of the world. This is very troubling to me.

Our larger proposal is grounded in four cornerstone principles. The first principle is achievable, stepped increases in fuel efficiency of the transportation fleet. The second principle promotes increased availability of alternative fuel sources and infrastructure. The third principle calls for expanded production and enhanced exploration of domestic and other secure oil and natural gas resources. Finally, the fourth principle improves the management of alliances to better secure global energy supplies.

In the United States, we use about 67 percent of our oil to power our vehicles. This is the area where we are least secure and increasingly dependent. For these reasons and more, we introduced S. 875 as a bi-partisan, balanced approach to securing our future energy through reducing our dependence on foreign oil.

I am also a member of the Senate Commerce, Science and Transportation Committee which has jurisdiction over the fuel economy standards of our Nation's vehicle fleet. I look forward to working with Chairman INOUYE, Ranking Member STEVENS, and other members of the committee who are interested in enacting strong, fair, and forwarding-looking fuel economy standards.

It should be noted that this is the first time that both Senator CRAIG and I have publicly stated our support for increased fuel economy standards beyond the incremental steps that the current administration has made to date. Our Nation's fuel economy standards have not significantly changed since the mid–1980s. We now have lower passenger vehicle fuel efficiency standards than Japan, the European Union, Australia, Canada, and yes, even China.

The bill we have introduced today reforms and strengthens fuel efficiency standards by establishing an annual 4 percent increase in the fuel economy of the entire new vehicle fleet, including automobiles, medium trucks, and heavy trucks from 2012–2030. The National Highway Traffic Safety Administration will have discretion to invoke ''off-ramps'' if it is determined that the increase is not technologically achievable, creates material safety concerns, or is not cost effective.

Senator CRAIG and I came together to develop a new pathway forward because we believe that bolder energy security measures must be taken now to address our long-term security, economic growth and environmental protection. There is no silver bullet to solving our energy dependence. Digging and drilling is a strategy I call yesterday forever. Conservation alone is not the answer. Renewable fuels hold promise, but we need to do much more here. We believe the combination of steps sets the right pathway to U.S. energy security, and we look forward to moving increased fuel economy standards through the Senate Commerce Committee.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 149—EXPRESSING THE CONDOLENCES OF THE SENATE ON THE TRAGIC EVENTS AT VIRGINIA TECH UNIVERSITY

Mr. WARNER (for himself, Mr. WEBB, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 149

Resolved, that the Senate—

(1) offers its heartfelt condolences to the victims and their families, and to students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred today at Virginia Tech in Blacksburg, Virginia;

(2) expresses its hope that today's losses will lead to a shared national commitment to take steps that will help our communities prevent such tragedies from occurring in the future; and

(3) recognizes that Virginia Tech has served as an exemplary institution of teaching, learning, and research for well over a century; and that the University's historic and proud traditions will carry on.

AMENDMENTS SUBMITTED AND PROPOSED

SA 843. Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 844. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 372, supra; which was ordered to lie on the table.

SA 845. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 846. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 847. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CARPER, Mr. COLEMAN, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, supra.

SA 848. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 849. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 850. Mr. CORNYN submitted an amendment intended to be proposed by him to the

bill S. 372, supra; which was ordered to lie on the table.

SA 851. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 852. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 853. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 854. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 855. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 856. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 857. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 858. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 859. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 860. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 861. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 862. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 863. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 864. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 865. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 866. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 867. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 868. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 869. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 870. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 871. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 872. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 873. Mr. CHAMBLISS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 874. Mr. CHAMBLISS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 875. Mr. CHAMBLISS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 876. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 877. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 878. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 879. Mr. INHOFE (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 880. Mr. INHOFE (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 881. Mr. WYDEN (for himself, Mr. BOND, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 882. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 883. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 884. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 843. Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2007''.

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

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.
(2) The Central Intelligence Agency.
(3) The Department of Defense.
(4) The Defense Intelligence Agency.
(5) The National Security Agency.
(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(7) The Department of State.
(8) The Department of the Treasury.
(9) The Department of Energy.
(10) The Department of Justice.
(11) The Federal Bureau of Investigation.
(12) The National Reconnaissance Office.
(13) The National Geospatial-Intelligence Agency.
(14) The Coast Guard.
(15) The Department of Homeland Security.
(16) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill S. 372 of the One Hundred Tenth Congress and in the Classified Annex to such report as incorporated in this Act under section 103.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Select Committee on Intelligence of the Senate to accompany its report on the bill S. 372 of the One Hundred Tenth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF DIVISION.—Unless otherwise specifically stated, the amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 104. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 105. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $648,952,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2008.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,575 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2008.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence

Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

SEC. 106. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Tenth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

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

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

SEC. 107. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2006 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

SEC. 108. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

''SEC. 508. (a) REQUESTS OF COMMITTEES.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 30 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

''(2) A committee making a request under paragraph (1) may specify a greater number of days for submittal to such committee of information in response to such request than is otherwise provided for under that paragraph.

''(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) Upon making a request covered by paragraph (1)—

''(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

''(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

''(c) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a) or (b), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

''Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.''.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

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

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

SEC. 303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

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

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

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

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

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

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

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

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

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

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

''(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.''.

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

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

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

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

(B) by inserting ''(1)'' after ''(b)''; and

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

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

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

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

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

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

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

SEC. 305. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting ''(1)'' before ''The Director'';

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

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

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

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

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

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

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

SEC. 306. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

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

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

SEC. 307. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting ''the congressional intelligence committees have been fully and currently informed of such activity and if'' after ''only if'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

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

''(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.''.

SEC. 308. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''ten years''.

SEC. 309. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

''RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

''SEC. 1103. (a) AUTHORITY TO RETAIN AMOUNTS PAID.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal Government from personal funds, for repayment of a debt owed to the element of the intelligence community.

''(b) CREDITING OF AMOUNTS RETAINED.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

''(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

''(c) AVAILABILITY OF AMOUNTS.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

''(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.

''(2) The funding of any other activities authorized to be funded by such appropriation or account.

''(d) DEBT OWED TO AN ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:

''(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

''(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

''(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a court of competent jurisdiction or in a lawful administrative proceeding.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

''Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.''.

SEC. 310. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

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

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

SEC. 311. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—Funds appropriated to the Office of the Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) FUNDS OF CENTRAL INTELLIGENCE AGENCY.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(c) TRAVEL AND TRANSPORTATION EXPENSES DEFINED.—In this section, the term ''travel and transportation expenses'' means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.

SEC. 312. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005.

(a) REPORT REQUIRED.—Not later than May 1, 2007, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

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

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd), and, with respect to each such method—

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

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

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005, and, with respect to each such method—

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

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

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

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

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal opinions of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section:

(1) The term ''congressional intelligence committees'' means—

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

(B) the Permanent Select Committee of the House of Representatives.

(2) The term ''intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 313. REPORT ON ANY CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

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

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

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

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

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

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

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

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

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

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

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

''(G) in carrying out this subsection, have the authority—

''(i) to direct the development, deployment, and utilization of systems of common concern for elements of the intelligence community, or that support the activities of such elements, related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

''(ii) without regard to any provision of law relating to the transfer, reprogramming, obligation, or expenditure of funds, other than the provisions of this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458), to expend funds for purposes associated with the development, deployment, and utilization of such systems, which funds may be received and utilized by any department, agency, or other element of the United States Government for such purposes; and

''(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).''.

SEC. 402. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

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

SEC. 403. AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE TO MANAGE ACCESS TO HUMAN INTELLIGENCE INFORMATION.

Section 102A(b) of the National Security Act of 1947 (50 U.S.C. 403–1(b)) is amended—

(1) by inserting ''(1)'' before ''Unless''; and

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

''(2) The Director of National Intelligence shall—

''(A) have access to all national intelligence, including intelligence reports, operational data, and other associated information, concerning the human intelligence operations of any element of the intelligence community authorized to undertake such collection;

''(B) consistent with the protection of intelligence sources and methods and applicable requirements in Executive Order 12333 (or any successor order) regarding the retention and dissemination of information concerning United States persons, ensure maximum access to the intelligence information contained in the information referred to in subparagraph (A) throughout the intelligence community; and

''(C) consistent with subparagraph (B), provide within the Office of the Director of National Intelligence a mechanism for intelligence community analysts and other officers with appropriate clearances and an official need-to-know to gain access to information referred to in subparagraph (A) or (B) when relevant to their official responsibilities.''.

SEC. 404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

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

''(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in clause (i) or (ii) of subparagraph (A), in the performance of the responsibilities, authorities, and duties of the Director of National Intelligence or the Office of the Director of National Intelligence—

''(A) the Director may authorize the use of interagency financing for—

''(i) national intelligence centers established by the Director under section 119B; and

''(ii) boards, commissions, councils, committees, and similar groups established by the Director; and

''(B) upon the authorization of the Director, any department, agency, or element of the United States Government, including any element of the intelligence community, may fund or participate in the funding of such activities.

''(2) No provision of law enacted after the date of the enactment of this subsection shall be deemed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.''.

SEC. 405. CLARIFICATION OF LIMITATION ON COLOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

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

(1) by striking ''**WITH**'' and inserting ''**OF HEADQUARTERS WITH HEADQUARTERS OF**'';

(2) by inserting ''the headquarters of'' before ''the Office''; and

(3) by striking ''any other element'' and inserting ''the headquarters of any other element''.

SEC. 406. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting ''and prioritize'' after ''coordinate''; and

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

''(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.''.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) by redesignating paragraph (5) as paragraph (8); and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

''(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

''(7) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and''; and

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

''(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

''(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

''(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

''(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

''(A) are consistent with current or future national intelligence requirements;

''(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

''(C) take into account funding constraints in program development and acquisition; and

''(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').''.

(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 407. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) APPOINTMENT.—

(1) IN GENERAL.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended by striking ''the President, by and with the advice and consent of the Senate'' and inserting ''the Director of National Intelligence''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any appointment of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) TITLE.—Such section is further amended—

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

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

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

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'' the first place it appears.

SEC. 408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

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

''(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

''(A) the programs and operations of the intelligence community;

''(B) the elements of the intelligence community within the National Intelligence Program; and

''(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

''(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

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

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

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

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

''(4) in the execution of the duties and responsibilities under this section, to comply

with generally accepted government auditing standards.

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

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

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

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

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

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

''(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.

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

''(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

''(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

''(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

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

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

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

''(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for corrective or disciplinary action

made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

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

''(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

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

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

''(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

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

''(3) In the event that—

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

''(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

''(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.''.

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

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

''Inspector General of the Intelligence Community.''.

SEC. 409. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the'' and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The''; and

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

''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation

Center, who shall be appointed by the Director of National Intelligence.

''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the Intelligence Community.

''(10) The Inspector General of the Intelligence Community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.''.

SEC. 410. NATIONAL SPACE INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—

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

''NATIONAL SPACE INTELLIGENCE CENTER

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

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

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

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

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

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

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

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

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

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

''Sec. 119C. National Space Intelligence Center.''.

(b) REPORT ON ORGANIZATION OF CENTER.—

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

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

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

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

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

SEC. 411. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by inserting before section 701 the following new section:

''OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 700. (a) EXEMPTION OF CERTAIN FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Information and records described in paragraph (2) shall be exempt from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure in connection therewith when—

''(A) such information or records are not disseminated outside the Office of the Director of National Intelligence; or

''(B) such information or records are incorporated into new information or records created by personnel of the Office in a manner that identifies such new information or records as incorporating such information or records and such new information or records are not disseminated outside the Office.

''(2) Information and records described in this paragraph are the following:

''(A) Information disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the operational files of an element of the intelligence community that have been exempted from search, review, publication, or disclosure in accordance with this title or any other provision of law.

''(B) Any information or records created by the Office that incorporate information described in subparagraph (A).

''(3) An operational file of an element of the intelligence community from which information described in paragraph (2)(A) is disseminated or provided to the Office of the Director of National Intelligence as described in that paragraph shall remain exempt from search, review, publication, or disclosure under section 552 of title 5, United States Code, to the extent the operational files from which such information was derived remain exempt from search, review, publication, or disclosure under section 552 of such title.

''(b) SEARCH AND REVIEW OF CERTAIN FILES.—Information disseminated or otherwise provided to the Office of the Director of National Intelligence by another element of the intelligence community that is not exempt from search, review, publication, or disclosure under subsection (a), and that is authorized to be disseminated outside the Office, shall be subject to search and review under section 552 of title 5, United States Code, but may remain exempt from publication and disclosure under such section by the element disseminating or providing such information to the Office to the extent authorized by such section.

''(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

''(A) The Select Committee on Intelligence of the Senate.

''(B) The Permanent Select Committee on Intelligence of the House of Representatives.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office of the Director of National Intelligence.

''(F) The Office of the Inspector General of the Intelligence Community.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting before the item relating to section 701 the following new item:

''Sec. 700. Operational files in the Office of the Director of National Intelligence.''.

SEC. 412. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

''(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

''(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—That section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) EXPEDITIOUS PAYMENT.—That section is further amended by adding at the end the following new subsection (d):

''(d) EXPEDITIOUS PAYMENT.—Payment of an award under this authority in this section shall be made as expeditiously as is practicable after the making of the award.''.

(d) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (b), by striking ''to the Central Intelligence Agency or to the Intelligence Community Staff'' and inserting ''to the Office of the Director of National Intelligence or to the Central Intelligence Agency''; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence or Director of the Central Intelligence Agency''.

(e) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b)—

(A) by inserting ''PERSONNEL ELIGIBLE FOR AWARDS.—'' after ''(b)'';

(B) by striking ''subsection (a) of this section'' and inserting ''subsection (a)''; and

(C) by striking ''a date five years before the date of enactment of this section'' and inserting ''December 9, 1978''; and

(2) in subsection (c), as so redesignated, by inserting ''PAYMENT AND ACCEPTANCE OF AWARDS.—'' after ''(c)''.

SEC. 413. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 414. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or'';

(2) in paragraph (2), by striking the period and inserting ''; or''; and

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

''(3) the Office of the Director of National Intelligence.''.

SEC. 415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 416. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) AUTHORITY TO EXEMPT.—The Director of National Intelligence may prescribe regulations to exempt any system of records within the Office of the Director of National Intelligence from the applicability of the provisions of subsections (c)(3), (c)(4), and (d) of section 552a of title 5, United States Code.

(b) PROMULGATION REQUIREMENTS.—In prescribing any regulations under subsection (a), the Director shall comply with the requirements (including general notice requirements) of subsections (b), (c), and (e) of section 553 of title 5, United States Code.

Subtitle B—Central Intelligence Agency

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

(a) APPOINTMENT OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended by inserting ''from civilian life'' after ''who shall be appointed''.

(b) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Such section is further amended—

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

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

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

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

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

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

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

''Deputy Director of the Central Intelligence Agency.''.

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

''(C) The Deputy Director of the Central Intelligence Agency.''.

(f) MILITARY STATUS OF INDIVIDUAL SERVING AS DIRECTOR OF CENTRAL INTELLIGENCE AGENCY OR ADMINISTRATIVELY PERFORMING DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) A commissioned officer of the Armed Forces who is serving as the Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act shall not, while continuing in such service, or in the administrative performance of such duties, after that date—

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

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

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(3) A commissioned officer described in paragraph (1), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.

(g) EFFECTIVE DATE AND APPLICABILITY.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendment made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply upon the occurrence of any act creating a vacancy in the position of Director of the Central Intelligence Agency after such date, except that if the vacancy occurs by resignation from such position of the individual serving in such position on such date, that individual may continue serving in such position after such resignation until the individual appointed to succeed such resigning individual as Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position.

(2) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendments made by subsections (b) through (e) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

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

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

SEC. 422. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) RESPONSIBILITY OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF 1947.—Subsection (e) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 421(b)(1) of this Act, is further amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

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

''(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and''.

(b) PROTECTION UNDER CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking ''section 102A(i)'' and all that follows through ''unauthorized disclosure'' and inserting ''sections 102A(i) and 104A(e)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(e)(4))''.

(c) CONSTRUCTION WITH EXEMPTION FROM REQUIREMENT FOR DISCLOSURE OF INFORMATION TO PUBLIC.—Section 104A(e)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) TECHNICAL AMENDMENTS TO CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection caption, by striking ''OF DCI'';

(2) by striking ''section 102A(i)'' and inserting ''sections 102A(i) and 104A(e)(4)'';

(3) by striking ''of National Intelligence''; and

(4) by inserting ''of the Central Intelligence Agency'' after ''methods''.

SEC. 423. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) ADDITIONAL EXCEPTION.—Subsection (h) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 421(b)(1) of this Act, is further amended—

(1) in paragraph (1)—

(A) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(2) in paragraph (2), by striking ''position or category of positions'' each place it appears and inserting ''individual, individuals, position, or category of positions''; and

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

''(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.''.

(b) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) by striking the first sentence and inserting the following new sentence: ''The Director of the Central Intelligence Agency shall submit to Congress a report that identifies individuals who, or positions within the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency that, are determined by the Director to require a waiver under subsection (h) of section 104A of the National Security Act of 1947, as added by subsection (a) and redesignated by section 421(b)(1) of the Intelligence Authorization Act for Fiscal Year 2007.''; and

(2) in the second sentence—

(A) by striking ''section 104A(g)(2), as so added'' and inserting ''subsection (h)(2) of section 104A, as so added and redesignated''; and

(B) by striking ''position or category of positions'' and inserting ''individual, individuals, position, or category of positions''.

SEC. 424. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated—

(A) by striking ''and the protection'' and inserting ''the protection''; and

(B) by striking the semicolon and inserting '', and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and''; and

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

''(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;''.

SEC. 425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) The recommendations of the Director regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''Air America'' means Air America, Incorporated.

(2) The term ''associated company'' means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''terminated either by'' and all that follows and inserting ''terminated—

''(i) by the Agency due to misconduct by the employee;

''(ii) by the employee voluntarily; or

''(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and''.

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 21. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

''(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

''(A) any offense against the United States committed in the presence of such personnel; or

''(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

''(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

''(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

''(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.''.

SEC. 433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting ''the Defense Intelligence Agency,'' after ''the Corporation for Public Broadcasting,'';

(2) by inserting ''the National Geospatial-Intelligence Agency,'' after ''the National Endowment for the Arts,''; and

(3) by inserting ''the National Reconnaissance Office, the National Security Agency,'' after ''the National Labor Relations Board,''.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

''(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.''.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting ''(1)'' after ''(d)'';

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking ''The head'' and inserting ''Except as provided in paragraph (2), the head''; and

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

''(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

''(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

''(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

''(D) The elements of the intelligence community specified in this subparagraph are as follows:

''(i) The Defense Intelligence Agency.

''(ii) The National Geospatial-Intelligence Agency.

''(iii) The National Reconnaissance Office.

''(iv) The National Security Agency.

''(E) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

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

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

''(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.''.

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

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

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also analyze, disseminate, and incorporate into the National System for Geospatial-Intelligence, likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information.

''(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

SEC. 436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2007, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 441. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN NON-SPECIAL AGENT EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY TO PAY INCENTIVE.—The Director of the Federal Bureau of Investigation may pay a cash award authorized by section 4523 of title 5, United States Code, in accordance with the provisions of such section, to any employee of the Federal Bureau of Investigation described in subsection (b) as if such employee were a law enforcement officer as specified in such section.

(b) COVERED EMPLOYEES.—An employee of the Federal Bureau of Investigation described in this subsection is any employee of the Federal Bureau of Investigation—

(1) who uses foreign language skills in support of the analyses, investigations, or operations of the Bureau to protect against international terrorism or clandestine intelligence activities (or maintains foreign language skills for purposes of such support); and

(2) whom the Director of the Federal Bureau of Investigation, subject to the joint guidance of the Attorney General and the Director of National Intelligence, may designate for purposes of this section.

SEC. 442. AUTHORITY TO SECURE SERVICES BY CONTRACT FOR THE BUREAU OF INTELLIGENCE AND RESEARCH OF THE DEPARTMENT OF STATE.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 23 the following new section:

''SERVICES BY CONTRACT FOR BUREAU OF INTELLIGENCE AND RESEARCH

''SEC. 23A. (a) AUTHORITY TO ENTER INTO CONTRACTS.—The Secretary may enter into contracts with individuals or organizations for the provision of services in support of the mission of the Bureau of Intelligence and Research of the Department of State if the Secretary determines that—

''(1) the services to be procured are urgent or unique; and

''(2) it would not be practicable for the Department to obtain such services by other means.

''(b) TREATMENT AS EMPLOYEES OF THE UNITED STATES GOVERNMENT.—(1) Individuals employed under a contract pursuant to the authority in subsection (a) shall not, by virtue of the performance of services under such contract, be considered employees of the United States Government for purposes of any law administered by the Office of Personnel Management.

''(2) The Secretary may provide for the applicability to individuals described in paragraph (1) of any law administered by the Secretary concerning the employment of such individuals.

''(c) CONTRACT TO BE APPROPRIATE MEANS OF SECURING SERVICES.—The chief contracting officer of the Department of State shall ensure that each contract entered into by the Secretary under this section is the appropriate means of securing the services to be provided under such contract.''.

SEC. 443. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 444. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

TITLE V—OTHER MATTERS

SEC. 501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking ''section'' and inserting ''subsection'';

(B) in subsection (d)—

(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)'';

(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION''.

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''.

SEC. 502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and

(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.

SEC. 503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice''.

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''; and

(B) in subsection (h), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.

(3) In section 1071(e), by striking ''(1)''.

(4) In section 1072(b), by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears in a provision as follows and inserting ''Director of National Intelligence'':

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears in a provision as follows and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'':

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of the Central Intelligence Agency''.

SEC. 505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under subsections (d), (e), (f), and (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).''.

SEC. 506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

SEC. 507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears in a provision as follows and inserting ''National Geospatial-Intelligence Agency'':

(A) Section 2302(a)(2)(C)(ii).
(B) Section 3132(a)(1)(B).
(C) Section 4301(1) (in clause (ii)).
(D) Section 4701(a)(1)(B).
(E) Section 5102(a)(1) (in clause (x)).
(F) Section 5342(a)(1) (in clause (K)).
(G) Section 6339(a)(1)(E).
(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency''.

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking ''National Imagery and Mapping Agency'' both places it appears and inserting ''National Geospatial-Intelligence Agency''.

(B) The heading of such section is amended to read as follows:

''§ 1336. National Geospatial-Intelligence Agency: special publications''.

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

''1336. National Geospatial-Intelligence Agency: special publications.''.

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

SA 844. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ___. REPORT ON INTELLIGENCE RELATED TO INSURGENT FORCES IN IRAQ.

(a) REQUIREMENT FOR REPORT.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the Director of National Intelligence shall submit to Congress a report on intelligence relating to the insurgent forces in Iraq that are fighting against coalition forces in Iraq or forces of the Government of Iraq.

(b) CONTENT OF REPORT.—Each report required by subsection (a) shall include the following:

(1) An estimate of the number of insurgent forces in Iraq that are fighting against coalition forces in Iraq or forces of the Government of Iraq.

(2) A description of the locations in Iraq where such insurgent forces are located.

(3) A description of the capability of such insurgent forces and of the manner in which such insurgent forces are funded.

(4) An estimate of the number of members of such insurgent forces in Iraq who are—

(A) members of al Qaeda or any other terrorist organization; or

(B) former members of the Ba'ath Party.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in a classified form.

SA 845. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 509. PROCUREMENT OF PREDATOR AND GLOBAL HAWK UNMANNED AERIAL VEHICLES AND RELATED SYSTEMS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the actions being taken by the Department of Defense to address shortfalls in the procurement of Predator Unmanned Aerial Vehicles and Global Hawk Unmanned Aerial Vehicles and associated orbits for military and intelligence mission requirements.

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

(1) A description of any shortages in available Predator Unmanned Aerial Vehicles, Global Hawk Unmanned Aerial Vehicles, and associated orbits to meet requirements of United States military and intelligence forces in the field, including for activities in Iraq, Afghanistan, Colombia, East, South and Southeast Asia.

(2) A description of progress in developing next-generation stealth, medium-altitude unmanned aerial vehicles.

(3) A schedule for addressing such shortages.

(4) An assessment of whether or not the Department of Defense has requested all funds required to keep production lines for such unmanned aerial vehicles running at maximum capacity until such shortages are fully addressed, and, if not, a statement of the reasons why.

(5) A description of the actions required to fully address such shortages.

(6) An assessment of whether or not reliance on a sole-source producer for production of the Predator Unmanned Aerial Vehicle delays the achievement of production and procurement schedules for such vehicle, and if so, recommendations securing one or more additional producers of the vehicle

(7) A statement of the anticipated overseas requirements for such unmanned aerial vehicles during the five-year period beginning on the date of the report, including an assessment of the extent to which long-endurance unmanned aerial vehicles, whether armed or for intelligence, surveillance, and reconnaissance purposes, are long-term and growing requirement for the Armed Forces.

(8) A statement as to whether domestic requirements for medium-altitude unmanned aerial vehicles will further delay meeting all overseas military and intelligence requirements.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 846. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

SA 847. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CARPER, Mr. COLEMAN, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF CONGRESS RELATING TO CONSTITUTIONAL AND STATUTORY PROTECTIONS ACCORDED SEALED DOMESTIC MAIL.

(a) FINDINGS.—Congress finds that—

(1) all Americans depend on the United States Postal Service to transact business and communicate with friends and family;

(2) postal customers have a constitutional right to expect that their sealed domestic mail will be protected against unreasonable searches;

(3) the circumstances and procedures under which the Government may search sealed mail are well defined, including provisions under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and generally require prior judicial approval;

(4) the United States Postal Inspection Service has the authority to open and search a sealed envelope or package when there is immediate threat to life or limb or an immediate and substantial danger to property;

(5) the United States Postal Service affirmed January 4, 2007, that the enactment of the Postal Accountability and Enhancement Act (Public Law 109–435) does not grant Federal law enforcement officials any new authority to open domestic mail;

(6) questions have been raised about these basic privacy protections following issuance of the President's signing statement on the Postal Accountability and Enhancement Act (Public Law 109–435); and

(7) the Senate rejects any interpretation of the President's signing statement on the Postal Accountability and Enhancement Act (Public Law 109–435) that in any way diminishes the privacy protections accorded sealed domestic mail under the Constitution and Federal laws and regulations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress reaffirms the constitutional and statutory protections accorded sealed domestic mail.

SA 848. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. RECRUITMENT OF PERSONS TO PARTICIPATE IN TERRORISM.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332b the following:

''§ 2332c. Recruitment of persons to participate in terrorism.

''(a) OFFENSES.—

''(1) IN GENERAL.—It shall be unlawful to employ, solicit, induce, command, or cause another person to commit an act of domestic terrorism or international terrorism or a Federal crime of terrorism, with the intent that the person commit such act or crime of terrorism

''(2) ATTEMPT AND CONSPIRACY.—It shall be unlawful to attempt or conspire to commit an offense under paragraph (1).

''(b) PENALTIES.—Any person who violates subsection (a)—

''(1) in the case of an attempt or conspiracy, shall be fined under this title, imprisoned not more than 10 years, or both;

''(2) if death of an individual results, shall be fined under this title, punished by death or imprisoned for any term of years or for life, or both;

''(3) if serious bodily injury to any individual results, shall be fined under this title, imprisoned not less than 10 years nor more than 25 years, or both; and

''(4) in any other case, shall be fined under this title, imprisoned not more than 10 years, or both.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

''(d) LACK OF CONSUMMATED TERRORIST ACT NOT A DEFENSE.—It is not a defense under this section that the act of domestic terrorism or international terrorism or Federal crime of terrorism that is the object of the employment, solicitation, inducement, commanding, or causing has not been done.

''(e) DEFINITIONS.—In this section—

''(1) the term 'Federal crime of terrorism' has the meaning given that term in section 2332b of this title; and

''(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended—

(1) by inserting after section 2332b the following:

''2332c. Recruitment of persons to participate in terrorism.''; and

(2) by adding at the end the following:

''2339D. Receiving military-type training from a foreign terrorist organization.''.

SA 849. Mr. CORNYN Submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

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''(a) OFFENSES.—

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''(2) ATTEMPT AND CONSPIRACY.—It shall be unlawful to attempt or conspire to commit an offense under paragraph (1).

''(b) PENALTIES.—Any person who violates subsection (a)—

''(1) in the case of an attempt or conspiracy, shall be fined under this title, imprisoned not more than 10 years, or both;

''(2) if death of an individual results, shall be fined under this title, punished by death or imprisoned for any term of years or for life, or both;

''(3) if serious bodily injury to any individual results, shall be fined under this title, imprisoned not less than 10 years nor more than 25 years, or both; and

''(4) in any other case, shall be fined under this title, imprisoned not more than 10 years, or both.

''(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

''(d) LACK OF CONSUMMATED TERRORIST ACT NOT A DEFENSE.—It is not a defense under this section that the act of domestic terrorism or international terrorism or Federal crime of terrorism that is the object of the employment, solicitation, inducement, commanding, or causing has not been done.

''(e) DEFINITIONS.—In this section—

''(1) the term 'Federal crime of terrorism' has the meaning given that term in section 2332b of this title; and

''(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended—

(1) by inserting after section 2332b the following:

''2332c. Recruitment of persons to participate in terrorism.''; and

(2) by adding at the end the following:

''2339D. Receiving military-type training from a foreign terrorist organization.''.

SEC. ___. APPROPRIATE REMEDIES FOR IMMIGRATION LITIGATION.

(a) LIMITATION ON CLASS ACTIONS.—No court may certify a class under rule 23 of the Federal Rules of Civil Procedure in any civil action that—

(1) is filed after the date of the enactment of this Act; and

(2) pertains to the administration or enforcement of the immigration laws of the United States.

(b) PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a Federal court determines that a plaintiff should be awarded prospective relief to remedy a violation of the Government in a civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) design the relief as the least intrusive means to correct the violation;

(C) design the relief in a manner to minimize, to the greatest extent practicable, the adverse impact of such relief on the national security, border security, ability to administer and enforce the immigration laws, and public safety of the United States; and

(D) provide for the expiration of the relief on a specific date, which may not be later than the earliest date practicable for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—A court granting prospective relief for a violation described in paragraph (1) shall issue a written order granting the relief and include in the order a discussion of the manner in which the relief is designed to meet the requirements of subparagraphs (A) through (D) of paragraph (1) and shall be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief ordered by a court in a case related to the immigration laws of the United States shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court finds that such relief meets the requirements described in subparagraphs (A) through (D) of paragraph (1) for the entry of permanent prospective relief and orders the preliminary relief to become a final order granting prospective relief prior to the expiration of the 90-day period.

(c) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made by the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the date on which the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court may, for good cause, postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) PENDING MOTIONS.—

(i) MOTIONS PENDING FOR 45 DAYS OR LESS.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States that has been pending for not more than 45 days on the date of the enactment of this Act shall be treated as if the motion had been filed on the date of the enactment of this Act for purposes of this subsection.

(ii) MOTIONS PENDING FOR MORE THAN 45 DAYS.—

(I) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States that has been pending for more than 45 days on the date of the enactment of this Act, and remains pending 10 days after the date of the enactment of this Act, shall result in an automatic stay, without further order of the court, of the prospective relief that is the subject of the motion.

(II) DURATION OF AUTOMATIC STAY.—An automatic stay under subclause (I) shall continue until the court enters an order granting or denying the Government's motion.

(III) POSTPONEMENT.—An automatic stay under this clause may not be postponed under subparagraph (C).

(E) AUTOMATIC STAYS DURING REMANDS FROM HIGHER COURTS.—If a United States court of appeals orders a decision on a motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States to be remanded to a district court, the order granting prospective relief which is the subject of the motion shall be automatically stayed until the district court enters an order granting or denying the motion.

(F) ORDERS BLOCKING AUTOMATIC STAYS.—An order staying, suspending, delaying, or otherwise barring the effective date of an automatic stay, other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be treated as an order refusing to vacate, modify, dissolve, or otherwise terminate an injunction and immediately shall be appealable pursuant to section 1292(a)(1) of title 28, United States Code.

(3) REQUIREMENTS FOR ORDER DENYING MOTION.—Subsection (b) shall apply to any order denying a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(d) ADDITIONAL RULES CONCERNING PROSPECTIVE RELIEF AFFECTING EXPEDITED REMOVAL.—

(1) JURISDICTION OVER ORDERS INTERFERING WITH THE INSPECTION OF ALIENS ARRIVING IN THE UNITED STATES.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision and sections 1361 and 1651 of such title, no court shall have jurisdiction to grant or continue an order or part of an order granting prospective relief if the order or part of the order interferes with, affects, or impacts any determination pursuant to, or implementation of, section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)), except as expressly provided in section 242(e) of such Act (8 U.S.C. 1252(e)).

(2) DETERMINATION OF JURISDICTION.—If the Government files a motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in a civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall promptly determine whether the court continues to have jurisdiction and shall promptly vacate any order or part of an order granting prospective relief that is not within the jurisdiction of the court.

(3) APPLICABILITY.—Paragraphs (1) and (2) shall not apply to an order granting prospective relief that was entered before the date of the enactment of this Act if the prospective relief granted by such order was necessary to remedy the violation of a right guaranteed by the Constitution of the United States.

(e) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall not enter, approve, or continue a consent decree unless it complies with the requirements of subsection (b).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the requirements of subsection (b).

(f) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term ''consent decree'' means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties, but does not include private settlement agreements.

(2) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into by the parties that is not subject to judicial enforcement other than the reinstatement of the civil action of the claim resolved by such agreement.

(6) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(g) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion subject to the provisions of this section.

(h) EFFECTIVE DATE.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(i) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is found to be unconstitutional, the remainder of this section and the application of the provisions of this section to any person or circumstance shall not be affected by such finding.

SEC. ___. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking ''There shall be no means of judicial review'' and all that follows and inserting the following: ''Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to visas issued before, on, or after such date.

SEC. ___. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) DETENTION OF DEPORTABLE ALIENS TO PROTECT PUBLIC SAFETY.—

(1) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(A) by striking ''Attorney General'' each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting ''Secretary of Homeland Security'';

(B) in paragraph (1)—

(i) by amending clause (ii) of subparagraph (B) to read as follows:

''(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.'';

(ii) by adding at the end of subparagraph (B), the following flush text:

''If, at the beginning of the removal period, as determined under this subparagraph, the alien is not in the custody of the Secretary of Homeland Security (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary subject to clause (ii).''; and

(iii) by amending subparagraph (C) to read as follows:

''(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien—

''(i) fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the efforts of the Secretary to establish the identity of the alien and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the departure of the alien; or

''(ii) conspires or acts to prevent the alien's removal.'';

(C) in paragraph (2)—

(i) by striking ''During'' and inserting the following:

''(A) IN GENERAL.—During''; and

(ii) by adding at the end the following new subparagraph:

''(B) EFFECT OF STAY OF REMOVAL.—If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary of Homeland Security in the exercise of discretion may detain the alien during the pendency of such stay of removal.'';

(D) in paragraph (3), by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities or to perform affirmative acts that the Secretary of Homeland Security prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.'';

(E) in paragraph (6), by striking ''removal period and, if released,'' and inserting ''removal period, in the discretion of the Secretary of Homeland Security, without any limitations other than those specified in this section, until the alien is removed. If the alien is released, the alien''; and

(F) by redesignating paragraph (7) as paragraph (10) and inserting after paragraph (6) the following new paragraphs:

''(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the parole or the removal of the alien becomes reasonably foreseeable. In no circumstance shall such alien be considered admitted.

''(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The following procedures apply to an alien who has effected an entry into the United States and do not apply to any

other alien detained pursuant to paragraph (6):

''(A) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—For an alien who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and has not conspired or acted to prevent removal, the Secretary of Homeland Security shall establish an administrative review process to determine whether an alien will be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with paragraph (1)(B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Department of State or other Federal agency and any other information available to the Secretary pertaining to the ability to remove the alien.

''(B) ADDITIONAL 90-DAY PERIOD.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(D)).

''(C) FURTHER DETENTION.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the removal period and the 90-day period authorized by subparagraph (B)—

''(i) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

''(I) will be removed in the reasonably foreseeable future; or

''(II) would be removed in the reasonably foreseeable future, or would have been removed, but for the failure or refusal of the alien to make all reasonable efforts to comply with the removal order, or to cooperate fully with the efforts of the Secretary to establish the identity of the alien and to carry out the removal order, including making timely application in good faith for travel or other documents necessary to the departure of the alien, or conspiracies or acts to prevent the alien's removal;

''(ii) until the alien is removed, if the Secretary certifies in writing—

''(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(II) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(III) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

''(IV) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and—

''(aa) the alien has been convicted of one or more aggravated felonies as defined in section 101(a)(43)(A), one or more crimes identified by the Secretary of Homeland Security by regulation, or one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, provided that the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

''(bb) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

''(V) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony as defined in section 101(a)(43); or

''(iii) pending a certification under clause (ii), if the Secretary has initiated the administrative review process under subparagraph (C) not later than 30 days after the expiration of the alien's removal period (including any extension of the removal period as provided in paragraph (1)(D)).

''(D) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (C)(ii) every 180 days without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such a certification, the Secretary may not continue to detain the alien under subparagraph (C)(ii).

''(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (C)(ii) to an official below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in item (bb) of subparagraph (C)(ii)(IV).

''(E) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention under this paragraph, the Secretary of Homeland Security, in the exercise of discretion, may impose conditions on release as provided in paragraph (3).

''(F) REDETENTION.—

''(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if—

''(I) the alien fails to comply with the conditions of release;

''(II) the alien fails to continue to satisfy the conditions described in subparagraph (A); or

''(III) upon reconsideration, the Secretary determines that the alien may be detained under subparagraph (B) or (C).

''(ii) APPLICABILITY OF CUSTODY PROVISIONS.—The provisions of paragraph (6) and this paragraph shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of that the alien was so returned to custody.

''(G) CERTAIN ALIENS WHO EFFECTED ENTRY.—The Secretary of Homeland Security in the exercise of discretion may waive the provisions of subparagraph (A) through (F) and detain an alien without any limitations, except those which the Secretary shall adopt by regulation, if—

''(i) the alien has effected an entry;

''(ii) the alien has not been lawfully admitted into the United States; and

''(iii) the alien has not been physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien.

''(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.''.

(2) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsections:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.

''(3) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (1) or (2) of this subsection shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(B) CONFORMING AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(i) in subsection (e)—

(I) by striking ''The'' and inserting the following:

''(1) IN GENERAL.—The''; and

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

''(2) LIMITATION ON REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''; and

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

''(f) LENGTH OF DETENTION.—

''(1) IN GENERAL.—With regard to the length of detention, an alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.''.

(3) EFFECTIVE DATES.—

(A) AMENDMENTS MADE BY PARAGRAPH (1).—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(i) all aliens subject to a final administrative removal, deportation, or exclusion order

that was issued before, on, or after the date of the enactment of this Act; and

(ii) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

(B) AMENDMENTS MADE BY PARAGRAPH (2).—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act, and sections 235 and 236 of the Immigration and Nationality Act, as amended, shall apply to any alien in detention under provisions of such sections on or after the date of the enactment of this Act.

(b) CRIMINAL DETENTION OF ALIENS TO PROTECT PUBLIC SAFETY.—

(1) IN GENERAL.—Section 3142(e) of title 18, United States Code, is amended—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) by striking ''If, after a hearing'' and inserting the following:

''(1) IN GENERAL.—If, after a hearing'';

(C) by striking ''In a case'' and inserting the following:

''(2) PRESUMPTION ARISING FROM OFFENSES DESCRIBED IN SUBSECTION (F)(1).—In a case'';

(D) by striking ''Subject to rebuttal'' and inserting the following:

''(3) PRESUMPTION ARISING FROM OTHER OFFENSES INVOLVING ILLEGAL SUBSTANCES, FIREARMS, VIOLENCE, OR MINORS.—Subject to rebuttal'';

(E) in subparagraphs (B) and (C) of paragraph (1), as resdesignated, by striking ''paragraph (1)'' and inserting ''subparagraph (A)''; and

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

''(4) PRESUMPTION ARISING FROM OFFENSES RELATING TO IMMIGRATION LAW.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

''(A) has no lawful immigration status in the United States;

''(B) is the subject of a final order of removal; or

''(C) has committed a felony offense under section 842(i)(5), 911, 922(g)(5), 1015, 1028, 1028A, 1425, or 1426 of this title, or any section of chapters 75 and 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, and 1328).''.

(2) IMMIGRATION STATUS AS FACTOR IN DETERMINING CONDITIONS OF RELEASE.—Section 3142(g)(3) of title 18, United States Code, is amended—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon; and

(B) by adding at the end the following new subparagraph:

''(C) the person's immigration status; and''.

(c) SEVERABILITY.—If any provision of this section or any amendment made by this section, or the application of any such provision or amendment to any person or circumstance, is held to be invalid for any reason, the remainder of the provisions of this section and the amendments made by this section, and the application of such provisions and amendments to any other person or circumstance shall not be affected by such holding.

SA 850. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Managment Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED

SEC. 601. DETENTION OF DEPORTABLE ALIENS TO PROTECT PUBLIC SAFETY.

(a) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting ''Secretary of Homeland Security'';

(2) in paragraph (1)—

(A) by amending clause (ii) of subparagraph (B) to read as follows:

''(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.'';

(B) by adding at the end of subparagraph (B), the following flush text:

''If, at the beginning of the removal period, as determined under this subparagraph, the alien is not in the custody of the Secretary of Homeland Security (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary subject to clause (ii).''; and

(C) by amending subparagraph (C) to read as follows:

''(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien—

''(i) fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the efforts of the Secretary to establish the identity of the alien and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the departure of the alien; or

''(ii) conspires or acts to prevent the alien's removal.'';

(3) in paragraph (2)—

(A) by striking ''During'' and inserting the following:

''(A) IN GENERAL.—During''; and

(B) by adding at the end the following new subparagraph:

''(B) EFFECT OF STAY OF REMOVAL.—If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary of Homeland Security in the exercise of discretion may detain the alien during the pendency of such stay of removal.'';

(4) in paragraph (3), by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities or to perform affirmative acts that the Secretary of Homeland Security prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.'';

(5) in paragraph (6), by striking ''removal period and, if released,'' and inserting ''removal period, in the discretion of the Secretary of Homeland Security, without any limitations other than those specified in this section, until the alien is removed. If the alien is released, the alien''; and

(6) by redesignating paragraph (7) as paragraph (10) and inserting after paragraph (6) the following new paragraphs:

''(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the parole or the removal of the alien becomes reasonably foreseeable. In no circumstance shall such alien be considered admitted.

''(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The following procedures apply to an alien who has effected an entry into the United States and do not apply to any other alien detained pursuant to paragraph (6):

''(A) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—For an alien who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and has not conspired or acted to prevent removal, the Secretary of Homeland Security shall establish an administrative review process to determine whether an alien will be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with paragraph (1)(B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Department of State or other Federal agency and any other information available to the Secretary pertaining to the ability to remove the alien.

''(B) ADDITIONAL 90-DAY PERIOD.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(D)).

''(C) FURTHER DETENTION.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the removal period and the 90-day period authorized by subparagraph (B)—

''(i) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

''(I) will be removed in the reasonably foreseeable future; or

''(II) would be removed in the reasonably foreseeable future, or would have been removed, but for the failure or refusal of the alien to make all reasonable efforts to comply with the removal order, or to cooperate fully with the efforts of the Secretary to establish the identity of the alien and to carry out the removal order, including making timely application in good faith for travel or other documents necessary to the departure of the alien, or conspiracies or acts to prevent the alien's removal;

''(ii) until the alien is removed, if the Secretary certifies in writing—

''(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

''(II) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

''(III) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

''(IV) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and—

''(aa) the alien has been convicted of one or more aggravated felonies as defined in section 101(a)(43)(A), one or more crimes identified by the Secretary of Homeland Security by regulation, or one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, provided that the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

''(bb) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

''(V) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony as defined in section 101(a)(43); or

''(iii) pending a certification under clause (ii), if the Secretary has initiated the administrative review process under subparagraph (C) not later than 30 days after the expiration of the alien's removal period (including any extension of the removal period as provided in paragraph (1)(D)).

''(D) RENEWAL AND DELEGATION OF CERTIFICATION.—

''(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (C)(ii) every 180 days without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such a certification, the Secretary may not continue to detain the alien under subparagraph (C)(ii).

''(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (C)(ii) to an official below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in item (bb) of subparagraph (C)(ii)(IV).

''(E) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention under this paragraph, the Secretary of Homeland Security, in the exercise of discretion, may impose conditions on release as provided in paragraph (3).

''(F) REDETENTION.—

''(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if—

''(I) the alien fails to comply with the conditions of release;

''(II) the alien fails to continue to satisfy the conditions described in subparagraph (A); or

''(III) upon reconsideration, the Secretary determines that the alien may be detained under subparagraph (B) or (C).

''(ii) APPLICABILITY OF CUSTODY PROVISIONS.—The provisions of paragraph (6) and this paragraph shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of that the alien was so returned to custody.

''(G) CERTAIN ALIENS WHO EFFECTED ENTRY.—The Secretary of Homeland Security in the exercise of discretion may waive the provisions of subparagraph (A) through (F) and detain an alien without any limitations, except those which the Secretary shall adopt by regulation, if—

''(i) the alien has effected an entry;

''(ii) the alien has not been lawfully admitted into the United States; and

''(iii) the alien has not been physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien.

''(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.''.

(b) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsections:

''(e) LENGTH OF DETENTION.—

''(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.

''(3) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (1) or (2) of this subsection shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''.

(2) CONFORMING AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(A) in subsection (e)—

(i) by striking ''The'' and inserting the following:

''(1) IN GENERAL.—The''; and

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

''(2) LIMITATION ON REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.''; and

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

''(f) LENGTH OF DETENTION.—

''(1) IN GENERAL.—With regard to the length of detention, an alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

''(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.''.

(c) EFFECTIVE DATES.—

(1) AMENDMENTS MADE BY SUBSECTION (A).—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(A) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(B) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

(2) AMENDMENTS MADE BY SUBSECTION (B).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act, and sections 235 and 236 of the Immigration and Nationality Act, as amended, shall apply to any alien in detention under provisions of such sections on or after the date of the enactment of this Act.

SEC. 602. CRIMINAL DETENTION OF ALIENS TO PROTECT PUBLIC SAFETY.

(a) IN GENERAL.—Section 3142(e) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(2) by striking ''If, after a hearing'' and inserting the following:

''(1) IN GENERAL.—If, after a hearing'';

(3) by striking ''In a case'' and inserting the following:

''(2) PRESUMPTION ARISING FROM OFFENSES DESCRIBED IN SUBSECTION (F)(1).—In a case'';

(4) by striking ''Subject to rebuttal'' and inserting the following:

''(3) PRESUMPTION ARISING FROM OTHER OFFENSES INVOLVING ILLEGAL SUBSTANCES, FIREARMS, VIOLENCE, OR MINORS.—Subject to rebuttal'';

(5) in subparagraphs (B) and (C) of paragraph (1), as resdesignated, by striking ''paragraph (1)'' and inserting ''subparagraph (A)''; and

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

''(4) PRESUMPTION ARISING FROM OFFENSES RELATING TO IMMIGRATION LAW.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

''(A) has no lawful immigration status in the United States;

''(B) is the subject of a final order of removal; or

''(C) has committed a felony offense under section 842(i)(5), 911, 922(g)(5), 1015, 1028, 1028A, 1425, or 1426 of this title, or any section of chapters 75 and 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, and 1328).''.

(b) IMMIGRATION STATUS AS FACTOR IN DETERMINING CONDITIONS OF RELEASE.—Section 3142(g)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''; and'' and inserting a semicolon; and

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

''(C) the person's immigration status; and''.

SEC. 603. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of any such provision or amendment to any person or circumstance, is held to be invalid for any reason, the remainder of the provisions of this title and the amendments made by this title, and the application of such provisions and amendments to any other person or circumstance shall not be affected by such holding.

SA 851. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking ''There shall be no means of judicial review'' and all that follows and inserting the following: ''Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to visas issued before, on, or after such date

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SA 852. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. APPROPRIATE REMEDIES FOR IMMIGRATION LITIGATION.

(a) LIMITATION ON CLASS ACTIONS.—No court may certify a class under rule 23 of the Federal Rules of Civil Procedure in any civil action that—

(1) is filed after the date of the enactment of this Act; and

(2) pertains to the administration or enforcement of the immigration laws of the United States.

(b) PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a Federal court determines that a plaintiff should be awarded prospective relief to remedy a violation of the Government in a civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) design the relief as the least intrusive means to correct the violation;

(C) design the relief in a manner to minimize, to the greatest extent practicable, the adverse impact of such relief on the national security, border security, ability to administer and enforce the immigration laws, and public safety of the United States; and

(D) provide for the expiration of the relief on a specific date, which may not be later than the earliest date practicable for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—A court granting prospective relief for a violation described in paragraph (1) shall issue a written order granting the relief and include in the order a discussion of the manner in which the relief is designed to meet the requirements of subparagraphs (A) through (D) of paragraph (1) and shall be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief ordered by a court in a case related to the immigration laws of the United States shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court finds that such relief meets the requirements described in subparagraphs (A) through (D) of paragraph (1) for the entry of permanent prospective relief and orders the preliminary relief to become a final order granting prospective relief prior to the expiration of the 90-day period.

(c) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made by the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the date on which the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court may, for good cause, postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) PENDING MOTIONS.—

(i) MOTIONS PENDING FOR 45 DAYS OR LESS.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States that has been pending for not more than 45 days on the date of the enactment of this Act shall be treated as if the motion had been filed on the date of the enactment of this Act for purposes of this subsection.

(ii) MOTIONS PENDING FOR MORE THAN 45 DAYS.—

(I) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States that has been pending for more than 45 days on the date of the enactment of this Act, and remains pending 10 days after the date of the enactment of this Act, shall result in an automatic stay, without further order of the court, of the prospective relief that is the subject of the motion.

(II) DURATION OF AUTOMATIC STAY.—An automatic stay under subclause (I) shall continue until the court enters an order granting or denying the Government's motion.

(III) POSTPONEMENT.—An automatic stay under this clause may not be postponed under subparagraph (C).

(E) AUTOMATIC STAYS DURING REMANDS FROM HIGHER COURTS.—If a United States court of appeals orders a decision on a motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States to be remanded to a district court, the order granting prospective relief which is the subject of the motion shall be automatically stayed until the district court enters an order granting or denying the motion.

(F) ORDERS BLOCKING AUTOMATIC STAYS.—An order staying, suspending, delaying, or otherwise barring the effective date of an automatic stay, other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be treated as an order refusing to vacate, modify, dissolve, or otherwise terminate an injunction and immediately shall be appealable pursuant to section 1292(a)(1) of title 28, United States Code.

(3) REQUIREMENTS FOR ORDER DENYING MOTION.—Subsection (b) shall apply to any order denying a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(d) ADDITIONAL RULES CONCERNING PROSPECTIVE RELIEF AFFECTING EXPEDITED REMOVAL.—

(1) JURISDICTION OVER ORDERS INTERFERING WITH THE INSPECTION OF ALIENS ARRIVING IN THE UNITED STATES.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision and sections 1361 and 1651 of such title, no court shall have jurisdiction to grant or continue an order or part of an order granting prospective relief if the order or part of the order interferes with, affects, or impacts any determination pursuant to, or implementation of, section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)), except as expressly provided in section 242(e) of such Act (8 U.S.C. 1252(e)).

(2) DETERMINATION OF JURISDICTION.—If the Government files a motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in a civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall promptly determine whether the court continues to have jurisdiction and shall promptly vacate any order or part of an order granting prospective relief that is not within the jurisdiction of the court.

(3) APPLICABILITY.—Paragraphs (1) and (2) shall not apply to an order granting prospective relief that was entered before the date of the enactment of this Act if the prospective relief granted by such order was necessary to remedy the violation of a right guaranteed by the Constitution of the United States.

(e) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United

States, the court shall not enter, approve, or continue a consent decree unless it complies with the requirements of subsection (b).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the requirements of subsection (b).

(f) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term ''consent decree'' means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties, but does not include private settlement agreements.

(2) GOOD CAUSE.—The term ''good cause'' does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term ''Government'' means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term ''permanent relief'' means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term ''private settlement agreement'' means an agreement entered into by the parties that is not subject to judicial enforcement other than the reinstatement of the civil action of the claim resolved by such agreement.

(6) PROSPECTIVE RELIEF.—The term ''prospective relief'' means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(g) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion subject to the provisions of this section.

(h) EFFECTIVE DATE.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(i) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is found to be unconstitutional, the remainder of this section and the application of the provisions of this section to any person or circumstance shall not be affected by such finding.

SA 853. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ___. SENSE OF THE SENATE REGARDING LEADERS OF CONGRESS ENGAGING IN DIPLOMACY WITH STATE SPONSORS OF TERRORISM.

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

(1) The Secretary of State has designated certain countries that have repeatedly provided support for international acts of terrorism as state sponsors of terrorism.

(2) State sponsors of terrorism provide critical support to non-state terrorist groups.

(3) Without state sponsors, terrorist groups would have much more difficulty obtaining the funds, weapons, materials, and secure areas they require to plan and conduct operations.

(4) United States policy seeks to pressure and isolate state sponsors of terrorism so they will renounce the use of terrorism, end support to terrorists, and bring terrorists to justice for past crimes.

(5) Syria remains a designated state sponsor of terrorism, having first been designated as such on December 29, 1979.

(6) Iran remains a designated state sponsor of terrorism, having first been designated as such on January 19, 1984.

(7) The Secretary of State determined in 2006 that Syria and Iran continue to ''routinely provide unique safe haven, substantial resources and guidance to terrorist organizations''.

(8) Senators themselves have historically recognized the constitutional principle that the foreign affairs power resides exclusively in the Executive Branch. For example, Senator J. William Fulbright, former Chairman of the Committee on Foreign Relations of the Senate explained in a speech at Cornell Law School in 1959, ''[t]he pre-eminent responsibility of the President for the formulation and conduct of American foreign policy is clear and unalterable. . . . He possesses sole authority to communicate and negotiate with foreign powers.'' (published as J. William Fulbright, ''American Foreign Policy in the 20th-Century Under an 18th-Century Constitution'', 47 Cornell Law Quarterly 1, 3 (1961)).

(9) The Supreme Court similarly recognized the ''very delicate, plenary and exclusive power of the President as the sole organ of the Federal Government in the field of international relations'' in the United States versus Curtiss-Wright Export Corporation (299 U.S. 304, 319 (1936)).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that leaders of Congress should not engage in diplomacy with state sponsors of terrorism over the expressed objections of officials of the Executive Branch, as the Executive Branch has the exclusively responsibility for foreign affairs matters under the Constitution.

SA 854. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PENALTIES FOR VIOLATIONS OF THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

''PENALTIES

''SEC. 206. (a) It shall be unlawful for—

''(1) a person to violate, or conspire to or attempt to violate, any license, order, regulation, or prohibition issued under this title;

''(2) a person subject to the jurisdiction of the United States to take any action to evade or avoid, or attempt to evade or avoid, a license, order, regulation, or prohibition issued under this title; or

''(3) a person subject to the jurisdiction of the United States to approve, facilitate, or provide financing for any action, regardless of who initiates or completes the action, if it would be unlawful for such person to initiate or complete the action.

''(b) A civil penalty not to exceed $250,000 may be imposed on any person who commits an unlawful act described in subsection (a).

''(c) A person who willfully commits, or willfully attempts to commit, an unlawful act described in subsection (a), shall, upon conviction for such unlawful act—

''(1) if a corporation, be fined not more than $500,000;

''(2) if a natural person, be fined not more than $500,000, or imprisoned not more than 10 years, or both; or

''(3) if an officer, director, or agent of a corporation who knowingly participates, or attempts to participate, in such unlawful act, be fined not more than $500,000, or imprisoned not more than 10 years, or both.''.

SA 855. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. PROHIBITION OF WAR CRIMES PROSECUTION.

(a) SHORT TITLE.—This section may be cited as the ''Prohibition of Foreign War Crimes Prosecutions of Americans Act of 2007''.

(b) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

''§ 2442. International criminal court

''(a) OFFENSE.—Except as provided under subsection (b), it shall be unlawful for any person, acting under the authority of the International Criminal Court, another international organization, or a foreign government, to knowingly indict, apprehend, detain, prosecute, convict, or participate in the imposition or carrying out of any sentence or other penalty on, any American in connection with any proceeding by or before the International Criminal Court, another international organization, or a foreign government in which that American is accused of a war crime.

''(b) EXCEPTION.—Subsection (a) shall not apply in connection with a criminal proceeding instituted by the government of a foreign country within the courts of such country with respect to a war crime allegedly committed—

''(1) on territory subject to the sovereign jurisdiction of such government; or

''(2) against persons who were nationals of such country at the time that the war crime is alleged to have been committed.

''(c) CRIMINAL PENALTY.—

''(1) IN GENERAL.—Any person who violates subsection (a) shall be fined not more than $5,000,000, imprisoned under paragraph (2), or both.

''(2) PRISON SENTENCE.—The maximum term of imprisonment for an offense under this section is the greater of—

''(A) 5 years; or

''(B) the maximum term that could be imposed on the American in the criminal proceeding described in subsection (a) with respect to which the violation took place.

''(d) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial jurisdiction over an offense under this section.

''(e) CIVIL REMEDY.—Any person who is aggrieved by a violation described in subsection (a) may, in a civil action, obtain appropriate relief, including—

''(1) punitive damages; and

''(2) a reasonable attorney's fee as part of the costs.

''(f) DEFINITIONS.—In this section—

''(1) the term 'American' means any citizen or national of the United States, or any other person employed by or working under the direction of the United States Government;

''(2) the term 'indict' includes—

''(A) the formal submission of an order or request for the prosecution or arrest of a person; and

''(B) the issuance of a warrant or other order for the arrest of a person,

by an official of the International Criminal Court, another international organization, or a foreign government;

''(3) the term 'International Criminal Court' means the court established by the Rome Statute of the International Criminal Court adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of and International Criminal Court on July 17, 1998; and

''(4) the term 'war crime' means any offense that is within the jurisdiction of the International Criminal Court at the time the offense is committed.''.

(c) CLERICAL AMENDMENT.—The table of sections in chapter 118 of title 18, United States Code, is amended by adding at the end the following:

''2442. International criminal court.''.

SA 856. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

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

SA 857. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 108 and insert the following:

SEC. 108. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

''SEC. 508. (a) REQUESTS OF COMMITTEES.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 30 days after receiving a request pursuant to this section for any intelligence assessment, report, estimate, legal justification, or other intelligence information from the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, make available to such committee such assessment, report, estimate, legal justification, or other information, as the case may be.

''(2) A committee making a request under paragraph (1) may specify a greater number of days for submittal to such committee of information in response to such request than is otherwise provided under that paragraph.

''(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) Upon making a request covered by paragraph (1)—

''(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

''(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

''(c) RESPONSE TO REQUEST.—In the event that a response to a request covered by subsection (a) or (b) is not provided within the specified time period, the Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government or other organization within the Executive branch that is an element of the intelligence community shall submit a written explanation as to why the document or information covered by such request could not be provided in the specified time period and shall provide a reasonable date certain for when such document or information will be provided.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

''Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.''.

SA 858. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 304 and insert the following:

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

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

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

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

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

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

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

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

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

''(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.''.

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

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

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

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

(B) by inserting ''(1)'' after ''(b)''; and

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

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

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

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

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

''(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b) in full or to all the members of the congressional intelligence committees, and requests that such information

not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and a description that provides the main features of the covert action covered by such determination, and contain no restriction on access to this notice by all members of the committee.''.

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

SA 859. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 310.

SA 860. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 42, strike line 5 and all that follows through page 43, line 14, and insert the following:

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

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

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

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

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

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

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

SA 861. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 109, strike line 24 and all that follows through page 110, line 6, and insert the following:

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

SA 862. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 410 and insert the following:

SEC. 410. NATIONAL SPACE INTELLIGENCE OFFICE.

(a) ESTABLISHMENT.—

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

''NATIONAL SPACE INTELLIGENCE OFFICE

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

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

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

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

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

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

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

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

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

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

''Sec. 119C. National Space Intelligence Office.''.

(b) REPORT ON ORGANIZATION OF OFFICE.—

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

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

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

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

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

SA 863. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 421 and insert the following:

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

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

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

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

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

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

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

''(c) MILITARY STATUS OF DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AND DEPUTY

DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) Not more than one of the individuals serving in the positions specified in subsection (a) and (b) may be a commissioned officer of the Armed Forces in active status.

''(2) A commissioned officer of the Armed Forces who is serving as the Director or Deputy Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Director or Deputy Director of the Central Intelligence Agency shall not, while continuing in such service, or in the administrative performance of such duties—

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

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

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

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

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

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

''Deputy Director of the Central Intelligence Agency.''.

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

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

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

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

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

SA 864. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Section 308 of the bill is amended to read as follows:

SEC. 308. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''or imprisoned'' and all that follows and inserting the following: ''and imprisoned for not less than 3 years nor more than 20 years.''.

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''or imprisoned'' and all that follows and inserting the following: ''and imprisoned for not less than 2 years nor more than 15 years.''.

SA 865. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, between lines 7 and 8, insert the following:

(3) The information described in paragraphs (1) and (2) may be included in such report only if the Director of National Intelligence determines that publication of such information would not endanger national security.

SA 866. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. UNLAWFUL DISCLOSURE OF CLASSIFIED REPORTS BY ENTRUSTED PERSONS.

(a) IN GENERAL.—It shall be unlawful for any person who is an employee or member of the Senate or House of Representatives, or who is entrusted with or has lawful possession of, access to, or control over any classified information contained in a report submitted to Congress under this Act, the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 192), the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638), or an amendment made by any such Act to—

(1) knowingly and willfully communicate, furnish, transmit, or otherwise makes available such information to an unauthorized person;

(2) publish such information; or

(3) use such information in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States.

(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

(c) INFORMATION TO CONGRESS.—Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives, or joint committee thereof.

(d) DEFINITIONS.—As used in this section—

(1) the term ''classified information'' means information which, at the time of a violation of this section, is determined to be Confidential, Secret, or Top Secret pursuant to Executive Order 12958, or any successor thereto; and

(2) the term ''unauthorized person'' means any person who does not have authority or permission to have access to the classified information under the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information.

SA 867. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

(a) SHORT TITLE.—This section may be cited as the ''Classified Information Procedures Reform Act of 2007''.

(b) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end ''The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.''.

(c) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''written statement to be inspected'' and inserting ''statement to be made ex parte and to be considered''; and

(2) in the third sentence—

(A) by striking ''If the court enters an order granting relief following such an ex parte showing, the'' and inserting ''The''; and

(B) by inserting ''and any summary of the classified information the defendant seeks to obtain'' after ''text of the statement of the United States''.

(d) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting '', AND ACCESS TO,'' after ''OF'';

(2) by inserting ''(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—'' before the first sentence; and

(3) by adding at the end the following:

''(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

''(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to nondocumentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

''(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

''(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

''(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

''(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of inquiry not involving such classified information.''.

SA 868. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''§ 2339E. Providing material support to international terrorism

''(a) DEFINITIONS.—In this section:

''(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

''(2) The term 'international terrorism' has the same meaning as in section 2331.

''(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

''(4) The term 'perpetrator of an act' includes any person who—

''(A) commits the act;

''(B) aids, abets, counsels, commands, induces, or procures its commission; or

''(C) attempts, plots, or conspires to commit the act.

''(5) The term 'serious bodily injury' has the same meaning as in section 1365.

''(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned not more than 25 years, or both, and, if death results, shall be imprisoned for any term of years or for life.

''(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

''(1) the offense occurs in or affects interstate or foreign commerce;

''(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

''(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

''(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

''(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

''(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

''(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

''(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

''(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

''2339D. Receiving military-type training from a foreign terrorist organization.

''2339E. Providing material support to international terrorism.''.

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting ''2339E (relating to providing material support to international terrorism),'' before ''or 2340A (relating to torture)''.

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''25 years''.

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''40 years''.

(3) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking ''ten years'' and inserting ''15 years''.

(4) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting '', or attempts or conspires to receive,'' after ''receives''.

SA 869. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. TERRORIST MURDERS, KIDNAPPINGS, AND ASSAULTS.

(a) PENALTIES FOR TERRORIST MANSLAUGHTER AND ATTEMPTS OR CONSPIRACIES TO COMMIT TERRORIST MURDER.—Section 2332 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking '', punished by death'' and all that follows and inserting ''and punished by death or imprisoned for life;''; and

(B) in paragraph (2), by striking ''or imprisoned'' and all that follows and inserting ''and imprisoned for not less than 10 years nor more than 30 years; and''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''or imprisoned'' and all that follows and inserting ''and imprisoned for life; and''; and

(B) in paragraph (2), by striking ''or imprisoned'' and all that follows and inserting ''and imprisoned for life.''.

(b) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

''(c) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry

away, a national of the United States shall be fined under this title and imprisoned for life.''.

(c) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(d) of title 18, United States Code, as redesignated by subsection (b) of this section, is amended—

(1) in paragraph (1), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury'';

(2) in paragraph (2), by inserting ''(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)'' after ''injury''; and

(3) in the matter following paragraph (2), by striking ''or imprisoned'' and all that follows and inserting ''and imprisoned for not less than 10 years nor more than 30 years.''.

SA 870. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ___. NATIONAL INTELLIGENCE ESTIMATE ON PERSONS DEALING WITH STATE SPONSORS OF TERRORISM.

(a) REQUIREMENT FOR NATIONAL INTELLIGENCE ESTIMATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 270 days after the date of enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate on business activities carried out with a state sponsors of terrorism.

(2) NOTICE REGARDING SUBMITTAL.—If the Director of National Intelligence determines that the National Intelligence Estimate required by paragraph (1) may not be submitted within 270 days after the date of the enactment of this Act, the Director shall submit to Congress a notification of such determination that includes—

(A) the reasons that such National Intelligence Estimate may not be submitted by such date; and

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

(b) CONTENT.—The National Intelligence Estimate required by subsection (a) shall include—

(1) a list of persons, including foreign persons, that carry out business activity with the government of, or a private entity located within, a country that is a state sponsors of terrorism;

(2) a description of such business activities carried out by each such person, including estimates of the magnitude of such activities;

(3) an assessment of the importance of such activities to the economy of each state sponsor of terrorism;

(4) an assessment of the likely effect of each State law, including each decision by a public pension board or governing body of a State that requires divestment from persons who conduct business activity with a state sponsors of terrorism; and

(5) an assessment of options available to the United States to reduce such activities and the likely effect that carrying out such options may have on the policies and economies of each state sponsor of terrorism.

(c) STATE SPONSOR OF TERRORISM DEFINED.—In this section, the term ''state sponsor of terrorism'' means any country the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism pursuant to—

(1) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or successor statute);

(2) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(3) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(d) COORDINATION.—In preparing the National Intelligence Estimate required by subsection (a), the Director of National Intelligence shall coordinate with the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the Chairman of the Securities and Exchange Commission, and other appropriate governmental or nongovernmental entities.

(e) FORM.—The National Intelligence Estimate required by subsection (a) shall be submitted in unclassified form, to the extent consistent with the protection of intelligence sources and methods, and include unclassified key judgments of the National Intelligence Estimate. Such National Intelligence Estimate may include a classified annex.

SA 871. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. IMMUNITY FOR REPORTING SUSPICIOUS ACTIVITIES AND MITIGATING TERRORIST THREATS RELATING TO TRANSPORTATION SECURITY.

(a) IMMUNITY FOR REPORTING SUSPICIOUS BEHAVIOR.—Any person who makes or causes to be made a voluntary disclosure of any suspicious transaction, activity, or occurrence indicating that an individual may be engaging or preparing to engage in a matter described in subsection (b) to any employee or agent of the Department of Homeland Security, the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, any transportation security officer, or any employee or agent of a transportation system shall be immune from civil liability to any person under any law or regulation of the United States, or any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

(b) COVERED DISCLOSURES.—The matter referred to in subsection (a) is a possible violation or attempted violation of law or regulation relating—

(1) to a threat to transportation systems or passenger safety or security; or

(2) to an act of terrorism, as defined in section 3077 of title 18, United States Code, that involves or is directed against transportation systems or passengers.

(c) LIMITATION ON APPLICATION.—Subsection (a) shall not apply to a statement or disclosure by a person that, at the time it is made, is known by the person to be false.

(d) ATTORNEY FEES AND COSTS.—If a person is named as a defendant in a civil lawsuit for making voluntary disclosures of any suspicious transaction or taking actions to mitigate a suspicious matter described in subsection (b), and the person is found to be immune from civil liability under this section, the person shall be entitled to recover from the plaintiff all reasonable costs and attorney's fees as allowed by the court.

(e) RETROACTIVE APPLICATION.—This section shall apply to activities and claims occurring on or after November 20, 2006.

SA 872. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, line 1, strike ''legal opinions'' and insert ''legal justifications''.

SA 873. Mr. CHAMBLISS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 304.

SA 874. Mr. CHAMBLISS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 314.

SA 875. Mr. CHAMBLISS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 107.

SA 876. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central

Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking ''decides that the individual poses a security risk under subsection (c)'' and inserting ''determines under subsection (c) that the individual poses a security risk''; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

''(1) DISQUALIFICATIONS.—

''(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

''(i) Espionage or conspiracy to commit espionage.

''(ii) Sedition or conspiracy to commit sedition.

''(iii) Treason or conspiracy to commit treason.

''(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

''(v) A crime involving a transportation security incident.

''(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

''(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

''(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

''(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

''(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

''(viii) Murder.

''(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

''(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

''(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

''(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

''(xiii) Any other felony that the Secretary of Homeland Security classifies, by regulation, as a permanently disqualifying criminal offense under this subparagraph.

''(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

''(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

''(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

''(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

''(ii) Extortion.

''(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

''(iv) Bribery.

''(v) Smuggling.

''(vi) Immigration violations.

''(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

''(viii) Arson.

''(ix) Kidnapping or hostage taking.

''(x) Rape or aggravated sexual abuse.

''(xi) Assault with intent to kill.

''(xii) Robbery.

''(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

''(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

''(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

''(xvi) Any other felony that the Secretary of Homeland Security classifies, by regulation, as an interim disqualifying criminal offense under this subparagraph.

''(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

''(D) DETERMINATION OF ARREST STATUS.—

''(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

''(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

''(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

''(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

''(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

''(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

''(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

''(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

''(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

''(II) for causing a severe transportation security incident;

''(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

''(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

''(iv) otherwise poses a terrorism security risk to the United States.''.

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

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

''(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.''.

SA 877. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2007''.

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

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.
(2) The Central Intelligence Agency.
(3) The Department of Defense.
(4) The Defense Intelligence Agency.
(5) The National Security Agency.
(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(7) The Department of State.
(8) The Department of the Treasury.
(9) The Department of Energy.
(10) The Department of Justice.
(11) The Federal Bureau of Investigation.
(12) The National Reconnaissance Office.
(13) The National Geospatial-Intelligence Agency.
(14) The Coast Guard.
(15) The Department of Homeland Security.
(16) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill S. 372 of the One Hundred Tenth Congress and in the Classified Annex to such report as incorporated in this Act under section 103.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Select Committee on Intelligence of the Senate to accompany its report on the bill S. 372 of the One Hundred Tenth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF DIVISION.—Unless otherwise specifically stated, the amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization

contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 104. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 105. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $648,952,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2008.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,575 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2008.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

SEC. 106. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Tenth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

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

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

SEC. 107. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

''RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

''SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 30 days after receiving a request for any intelligence assessment, report, estimate, information related to intelligence activity, or other intelligence information from the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, provide a response to such committee regarding the request for such assessment, report, estimate, or other information, as the case may be.

''(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) Upon making a request covered by paragraph (1)—

''(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

''(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

''Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.''.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

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

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

SEC. 303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

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

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

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

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

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

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

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

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

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

''(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be provided in full or to all members of the congressional intelligence committees, the Director shall, in a timely fashion, provide written notification to the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, as the case may be, of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in a classified form and include a statement

of the reasons for such determination. The Director shall provide a general description of the nature of the matter notified to all members of such committees, so long as such general description will not jeopardize sensitive intelligence sources and methods or other exceptionally sensitive matters.

''(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.''.

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

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

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

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

(B) by inserting ''(1)'' after ''(b)''; and

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

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

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

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

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

''(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b)(2) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided in full or to all members of the congressional intelligence committees, for the reason specified in paragraph (2), the Director shall, in a timely fashion, provide written notification to the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, as the case may be, of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in a classified form and include a statement of the reasons for such determination. The Director shall provide a general description of the nature of the matter notified to all members of such committees, so long as such general description will not jeopardize sensitive intelligence sources and methods or other exceptionally sensitive matters.''.

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

SEC. 305. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting ''(1)'' before ''The Director'';

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

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

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

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

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

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

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

SEC. 306. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

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

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

SEC. 307. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting ''the congressional intelligence committees have been fully and currently informed of such activity and if'' after ''only if'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

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

''(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.''.

SEC. 308. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''ten years''.

SEC. 309. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

''RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

''SEC. 1103. (a) AUTHORITY TO RETAIN AMOUNTS PAID.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal Government from personal funds, for repayment of a debt owed to the element of the intelligence community.

''(b) CREDITING OF AMOUNTS RETAINED.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

''(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

''(c) AVAILABILITY OF AMOUNTS.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

''(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.

''(2) The funding of any other activities authorized to be funded by such appropriation or account.

''(d) DEBT OWED TO AN ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:

''(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

''(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

''(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a court of competent jurisdiction or in a lawful administrative proceeding.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

''Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.''.

SEC. 310. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the

head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

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

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

SEC. 311. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) FUNDS OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.—Funds appropriated to the Office of the Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) FUNDS OF CENTRAL INTELLIGENCE AGENCY.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(c) TRAVEL AND TRANSPORTATION EXPENSES DEFINED.—In this section, the term ''travel and transportation expenses'' means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.

SEC. 312. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005.

(a) REPORT REQUIRED.—Not later than May 1, 2007, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

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

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd), and, with respect to each such method, a statement of the general basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005, and, with respect to each such method, a statement of the general basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action, a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section:

(1) The term ''congressional intelligence committees'' means—

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

(B) the Permanent Select Committee of the House of Representatives.

(2) The term ''intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 313. REPORT ON ANY CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

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

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

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

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

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

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

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

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

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

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

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

''(G) in carrying out this subsection, have the authority—

''(i) to direct the development, deployment, and utilization of systems of common concern for elements of the intelligence community, or that support the activities of such elements, related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

''(ii) without regard to any provision of law relating to the transfer, reprogramming, obligation, or expenditure of funds, other than the provisions of this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458), to expend funds for purposes associated with the development, deployment, and utilization of such systems, which funds may be received and utilized by any department, agency, or other element of the United States Government for such purposes; and

''(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).''.

SEC. 402. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

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

SEC. 403. AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE TO MANAGE ACCESS TO HUMAN INTELLIGENCE INFORMATION.

Section 102A(b) of the National Security Act of 1947 (50 U.S.C. 403–1(b)) is amended—

(1) by inserting ''(1)'' before ''Unless''; and

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

''(2) The Director of National Intelligence shall—

''(A) have access to all national intelligence, including intelligence reports, operational data, and other associated information, concerning the human intelligence operations of any element of the intelligence community authorized to undertake such collection;

''(B) consistent with the protection of intelligence sources and methods and applicable requirements in Executive Order 12333 (or any successor order) regarding the retention and dissemination of information concerning United States persons, ensure maximum access to the intelligence information contained in the information referred to in subparagraph (A) throughout the intelligence community; and

''(C) consistent with subparagraph (B), provide within the Office of the Director of National Intelligence a mechanism for intelligence community analysts and other officers with appropriate clearances and an official need-to-know to gain access to information referred to in subparagraph (A) or (B) when relevant to their official responsibilities.''.

SEC. 404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

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

''(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in clause (i) or (ii) of subparagraph (A), in the performance of the responsibilities, authorities, and

duties of the Director of National Intelligence or the Office of the Director of National Intelligence—

''(A) the Director may authorize the use of interagency financing for—

''(i) national intelligence centers established by the Director under section 119B; and

''(ii) boards, commissions, councils, committees, and similar groups established by the Director; and

''(B) upon the authorization of the Director, any department, agency, or element of the United States Government, including any element of the intelligence community, may fund or participate in the funding of such activities.

''(2) No provision of law enacted after the date of the enactment of this subsection shall be deemed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.''.

SEC. 405. CLARIFICATION OF LIMITATION ON COLOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

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

(1) by striking ''**WITH**'' and inserting ''**OF HEADQUARTERS WITH HEADQUARTERS OF**'';

(2) by inserting ''the headquarters of'' before ''the Office''; and

(3) by striking ''any other element'' and inserting ''the headquarters of any other element''.

SEC. 406. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting ''and prioritize'' after ''coordinate''; and

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

''(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.''.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) by redesignating paragraph (5) as paragraph (8); and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

''(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

''(7) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and''; and

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

''(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

''(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

''(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

''(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

''(A) are consistent with current or future national intelligence requirements;

''(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

''(C) take into account funding constraints in program development and acquisition; and

''(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').''.

(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 407. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) APPOINTMENT.—

(1) IN GENERAL.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended by striking ''the President, by and with the advice and consent of the Senate'' and inserting ''the Director of National Intelligence''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any appointment of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) TITLE.—Such section is further amended—

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

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

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

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'' the first place it appears.

SEC. 408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

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

''(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

''(A) the programs and operations of the intelligence community;

''(B) the elements of the intelligence community within the National Intelligence Program; and

''(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

''(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

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

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

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs

and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

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

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

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

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

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

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

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

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

''(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.

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

''(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

''(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

''(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

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

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

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

''(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

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

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

''(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

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

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

''(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

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

''(3) In the event that—

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

''(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

''(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.''.

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

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

''Inspector General of the Intelligence Community.''.

SEC. 409. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the'' and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The''; and

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

''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the Intelligence Community.

''(10) The Inspector General of the Intelligence Community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.''.

SEC. 410. NATIONAL SPACE INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—

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

''NATIONAL SPACE INTELLIGENCE CENTER

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

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

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

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

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

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

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

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

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

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

''Sec. 119C. National Space Intelligence Center.''.

(b) REPORT ON ORGANIZATION OF CENTER.—

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

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

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

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

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

SEC. 411. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by inserting before section 701 the following new section:

''OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 700. (a) EXEMPTION OF CERTAIN FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Information and records described in paragraph (2) shall be exempt from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure in connection therewith when—

''(A) such information or records are not disseminated outside the Office of the Director of National Intelligence; or

''(B) such information or records are incorporated into new information or records created by personnel of the Office in a manner that identifies such new information or records as incorporating such information or records and such new information or records are not disseminated outside the Office.

''(2) Information and records described in this paragraph are the following:

''(A) Information disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the operational files of an element of the intelligence community that have been exempted from search, review, publication, or disclosure in accordance with this title or any other provision of law.

''(B) Any information or records created by the Office that incorporate information described in subparagraph (A).

''(3) An operational file of an element of the intelligence community from which information described in paragraph (2)(A) is disseminated or provided to the Office of the Director of National Intelligence as described in that paragraph shall remain exempt from search, review, publication, or disclosure under section 552 of title 5, United States Code, to the extent the operational files from which such information was derived remain exempt from search, review, publication, or disclosure under section 552 of such title.

''(b) SEARCH AND REVIEW OF CERTAIN FILES.—Information disseminated or otherwise provided to the Office of the Director of National Intelligence by another element of the intelligence community that is not exempt from search, review, publication, or disclosure under subsection (a), and that is authorized to be disseminated outside the Office, shall be subject to search and review under section 552 of title 5, United States Code, but may remain exempt from publication and disclosure under such section by the element disseminating or providing such information to the Office to the extent authorized by such section.

''(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

''(A) The Select Committee on Intelligence of the Senate.

''(B) The Permanent Select Committee on Intelligence of the House of Representatives.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office of the Director of National Intelligence.

''(F) The Office of the Inspector General of the Intelligence Community.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting before the item relating to section 701 the following new item:

''Sec. 700. Operational files in the Office of the Director of National Intelligence.''.

SEC. 412. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

''(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

''(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—That section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) EXPEDITIOUS PAYMENT.—That section is further amended by adding at the end the following new subsection (d):

''(d) EXPEDITIOUS PAYMENT.—Payment of an award under this authority in this section shall be made as expeditiously as is practicable after the making of the award.''.

(d) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (b), by striking ''to the Central Intelligence Agency or to the Intelligence Community Staff'' and inserting ''to the Office of the Director of National Intelligence or to the Central Intelligence Agency''; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence or Director of the Central Intelligence Agency''.

(e) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b)—

(A) by inserting ''PERSONNEL ELIGIBLE FOR AWARDS.—'' after ''(b)'';

(B) by striking ''subsection (a) of this section'' and inserting ''subsection (a)''; and

(C) by striking ''a date five years before the date of enactment of this section'' and inserting ''December 9, 1978''; and

(2) in subsection (c), as so redesignated, by inserting ''PAYMENT AND ACCEPTANCE OF AWARDS.—'' after ''(c)''.

SEC. 413. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 414. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or'';

(2) in paragraph (2), by striking the period and inserting ''; or''; and

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

''(3) the Office of the Director of National Intelligence.''.

SEC. 415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 416. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) AUTHORITY TO EXEMPT.—The Director of National Intelligence may prescribe regulations to exempt any system of records within the Office of the Director of National Intelligence from the applicability of the provisions of subsections (c)(3), (c)(4), and (d) of section 552a of title 5, United States Code.

(b) PROMULGATION REQUIREMENTS.—In prescribing any regulations under subsection (a), the Director shall comply with the requirements (including general notice requirements) of subsections (b), (c), and (e) of section 553 of title 5, United States Code.

Subtitle B—Central Intelligence Agency

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

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

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

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

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

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

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

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

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

''Deputy Director of the Central Intelligence Agency.''.

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

''(C) The Deputy Director of the Central Intelligence Agency.''.

(e) MILITARY STATUS OF INDIVIDUAL SERVING AS DIRECTOR OF CENTRAL INTELLIGENCE AGENCY OR ADMINISTRATIVELY PERFORMING DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) A commissioned officer of the Armed Forces who is serving as the Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act shall not, while continuing in such service, or in the administrative performance of such duties, after that date—

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

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

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(3) A commissioned officer described in paragraph (1), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.

(f) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsections (a) through (d) shall take effect on the date of the enactment of this Act and shall apply upon the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 422. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) RESPONSIBILITY OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF 1947.—Subsection (e) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 421(b)(1) of this Act, is further amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

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

''(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and''.

(b) PROTECTION UNDER CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking ''section 102A(i)'' and all that follows through ''unauthorized disclosure'' and inserting ''sections 102A(i) and 104A(e)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(e)(4))''.

(c) CONSTRUCTION WITH EXEMPTION FROM REQUIREMENT FOR DISCLOSURE OF INFORMATION TO PUBLIC.—Section 104A(e)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) TECHNICAL AMENDMENTS TO CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection caption, by striking ''OF DCI'';

(2) by striking ''section 102A(i)'' and inserting ''sections 102A(i) and 104A(e)(4)'';

(3) by striking ''of National Intelligence''; and

(4) by inserting ''of the Central Intelligence Agency'' after ''methods''.

SEC. 423. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) ADDITIONAL EXCEPTION.—Subsection (h) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 421(b)(1) of this Act, is further amended—

(1) in paragraph (1)—

(A) by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(B) by striking ''Directorate of Operations'' and inserting ''National Clandestine Service'';

(2) in paragraph (2), by striking ''position or category of positions'' each place it appears and inserting ''individual, individuals, position, or category of positions''; and

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

''(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.''.

(b) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) by striking the first sentence and inserting the following new sentence: ''The Director of the Central Intelligence Agency shall submit to Congress a report that identifies individuals who, or positions within the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency that, are determined by the Director to require a waiver under subsection (h) of section 104A of the National Security Act of 1947, as added by subsection (a) and redesignated by section 421(b)(1) of the Intelligence Authorization Act for Fiscal Year 2007.''; and

(2) in the second sentence—

(A) by striking ''section 104A(g)(2), as so added'' and inserting ''subsection (h)(2) of section 104A, as so added and redesignated''; and

(B) by striking ''position or category of positions'' and inserting ''individual, individuals, position, or category of positions''.

SEC. 424. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated—

(A) by striking ''and the protection'' and inserting ''the protection''; and

(B) by striking the semicolon and inserting '', and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and''; and

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

''(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;''.

SEC. 425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) The recommendations of the Director regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''Air America'' means Air America, Incorporated.

(2) The term ''associated company'' means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''terminated either by'' and all that follows and inserting ''terminated—

''(i) by the Agency due to misconduct by the employee;

''(ii) by the employee voluntarily; or

''(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and''.

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 21. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

''(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

''(A) any offense against the United States committed in the presence of such personnel; or

''(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

''(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

''(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

''(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.''.

SEC. 433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting ''the Defense Intelligence Agency,'' after ''the Corporation for Public Broadcasting,'';

(2) by inserting ''the National Geospatial-Intelligence Agency,'' after ''the National Endowment for the Arts,''; and

(3) by inserting ''the National Reconnaissance Office, the National Security Agency,'' after ''the National Labor Relations Board,''.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

''(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.''.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting ''(1)'' after ''(d)'';

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking ''The head'' and inserting ''Except as provided in paragraph (2), the head''; and

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

''(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

''(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

''(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

''(D) The elements of the intelligence community specified in this subparagraph are as follows:

''(i) The Defense Intelligence Agency.

''(ii) The National Geospatial-Intelligence Agency.

''(iii) The National Reconnaissance Office.

''(iv) The National Security Agency.

''(E) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

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

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

''(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.''.

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

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

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also analyze, disseminate, and incorporate into the National System for Geospatial-Intelligence, likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information.

''(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

SEC. 436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2007, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 441. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN NON-SPECIAL AGENT EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY TO PAY INCENTIVE.—The Director of the Federal Bureau of Investigation may pay a cash award authorized by section 4523 of title 5, United States Code, in accordance with the provisions of such section, to any employee of the Federal Bureau of Investigation described in subsection (b) as if such employee were a law enforcement officer as specified in such section.

(b) COVERED EMPLOYEES.—An employee of the Federal Bureau of Investigation described in this subsection is any employee of the Federal Bureau of Investigation—

(1) who uses foreign language skills in support of the analyses, investigations, or operations of the Bureau to protect against international terrorism or clandestine intelligence activities (or maintains foreign language skills for purposes of such support); and

(2) whom the Director of the Federal Bureau of Investigation, subject to the joint guidance of the Attorney General and the Director of National Intelligence, may designate for purposes of this section.

SEC. 442. AUTHORITY TO SECURE SERVICES BY CONTRACT FOR THE BUREAU OF INTELLIGENCE AND RESEARCH OF THE DEPARTMENT OF STATE.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 23 the following new section:

''SERVICES BY CONTRACT FOR BUREAU OF INTELLIGENCE AND RESEARCH

''SEC. 23A. (a) AUTHORITY TO ENTER INTO CONTRACTS.—The Secretary may enter into contracts with individuals or organizations for the provision of services in support of the mission of the Bureau of Intelligence and Research of the Department of State if the Secretary determines that—

''(1) the services to be procured are urgent or unique; and

''(2) it would not be practicable for the Department to obtain such services by other means.

''(b) TREATMENT AS EMPLOYEES OF THE UNITED STATES GOVERNMENT.—(1) Individuals employed under a contract pursuant to the authority in subsection (a) shall not, by virtue of the performance of services under such contract, be considered employees of the United States Government for purposes of any law administered by the Office of Personnel Management.

''(2) The Secretary may provide for the applicability to individuals described in paragraph (1) of any law administered by the Secretary concerning the employment of such individuals.

''(c) CONTRACT TO BE APPROPRIATE MEANS OF SECURING SERVICES.—The chief contracting officer of the Department of State

shall ensure that each contract entered into by the Secretary under this section is the appropriate means of securing the services to be provided under such contract.''.

SEC. 443. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 444. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

TITLE V—OTHER MATTERS

SEC. 501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking ''section'' and inserting ''subsection'';

(B) in subsection (d)—

(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)'';

(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION''.

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''.

SEC. 502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and

(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.

SEC. 503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice''.

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''; and

(B) in subsection (h), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.

(3) In section 1071(e), by striking ''(1)''.

(4) In section 1072(b), by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears in a provision as follows and inserting ''Director of National Intelligence'':

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears in a provision as follows and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'':

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of the Central Intelligence Agency''.

SEC. 505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under subsections (d), (e), (f), and (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).''.

SEC. 506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

SEC. 507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears in a provision as follows and inserting ''National Geospatial-Intelligence Agency'':

(A) Section 2302(a)(2)(C)(ii).
(B) Section 3132(a)(1)(B).
(C) Section 4301(1) (in clause (ii)).
(D) Section 4701(a)(1)(B).
(E) Section 5102(a)(1) (in clause (x)).
(F) Section 5342(a)(1) (in clause (K)).
(G) Section 6339(a)(1)(E).
(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency''.

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking ''National Imagery and Mapping Agency'' both places it appears and inserting ''National Geospatial-Intelligence Agency''.

(B) The heading of such section is amended to read as follows:

''§ 1336. National Geospatial-Intelligence Agency: special publications''.

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

''1336. National Geospatial-Intelligence Agency: special publications.''.

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security

Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

SA 878. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

SEC. ___. JURISDICTION OVER INTELLIGENCE APPROPRIATIONS.

Notwithstanding subparagraph (b) of paragraph 1 of rule XXV of the Standing Rules of the Senate, the Select Committee on Intelligence shall have jurisdiction over all proposed legislation, messages, petitions, memorials, and other matters relating to appropriation, rescission of appropriations, and new spending authority related to funding for intelligence matters.

SA 879. Mr. INHOFE (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. ___. SENSE OF CONGRESS REGARDING PRESIDENTIAL AUTHORITY TO CONTROL FOREIGN POLICY.

(a) FINDINGS.—Congress finds the following:

(1) Article II, section 1 of the Constitution of the United States grants ''executive Power'' to the President of the United States.

(2) James Madison wrote in Federalist No. 47 that Charles de Montesquieu was ''[t]he oracle who is always consulted and cited'' on issues dealing with separation of powers, and, in ''The Spirit of the Laws'', Montesquieu defined the executive power ''in respect to things dependent on the law of nations'' and as the power by which the ''magistrate . . . makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions''.

(3) In a speech to Congress in 1789, James Madison noted that the ''association of the Senate with the President in exercising [the appointment] function, is an exception to this general rule [that executive power is vested solely in the President]; and exceptions to general rules . . . are ever to be taken strictly''.

(4) In 1790, Thomas Jefferson wrote, ''The transaction of business with foreign nations is executive altogether. It belongs, then, to the head of that department, except as to such portions of it as are specially submitted to the Senate. Exceptions are to be construed strictly.''.

(5) Alexander Hamilton reaffirmed this view in 1793, asserting ''that as the participation of the Senate in the making of treaties, and the power of the legislature to declare war, are exceptions out of the general 'executive power' vested in the President, they are to be construed strictly, and ought to be extended no further than is essential to their execution''.

(6) John Marshall, during his congressional term in 1799, reaffirmed that the President was ''the sole organ of the nation in its external relations'' because ''[h]e possesses the whole Executive Power''.

(7) In 1936, the Supreme Court, in *United States* v. *Curtiss-Wright Export Corporation*, 299 U.S. 304, stated, ''Not only, as we have shown, is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He makes treaties with the advise and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude, and Congress itself is powerless to invade it.''.

(8) Section 953 of title 18, United States Code, originally enacted in 1799 as the Logan Act (1 Stat. 613), states, ''Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined under this title or imprisoned not more than three years, or both. This section shall not abridge the right of a citizen to apply himself, or his agent, to any foreign government, or the agents thereof, for redress of any injury which he may have sustained from such government or any of its agents or subjects.''.

(9) In 1952, Senator Arthur Vandenberg asserted that ''politics stop at the water's edge''.

(10) Intrusions on the executive power of the President by Members of Congress have had negative effects on foreign policy, and, in the past, some Members of Congress have tried to subvert the goals and aims of the executive branch by pursuing foreign policy goals that are contrary to those of the President.

(11) In 1987 and 1988, Speaker of the House Jim Wright attempted to engage in diplomacy between the Sandinista Government of Nicaragua and the Contra regime against the expressed aims of President Ronald Reagan. Speaker Wright's actions undermined the authority and leveraging power of the President at a crucial time in the Nation's history and also ignored the finding of the Permanent Select Committee on Intelligence of the House of Representatives that the Government of Nicaragua was planning to use military force against coterminous states.

(12) In 1980, Representative Charlie Wilson began urging the Central Intelligence Agency to arm Afghani mujahideen fighters. The decision to double funding to Afghanistan was unsolicited and was made without the knowledge of the President. The book ''Charlie Wilson's War'', written by George Crile, asserts that Representative Wilson thus violated the Logan Act.

(13) In 1983, the decision of Congress to attach a stipulation to legislation authorizing the extension of the presence of the Marines in Beirut, which stated that the extension could be withdrawn if fatalities continued, possibly led to the suicide bombing of the Marine barracks on October 23, 1983, causing the deaths of 241 members of the Armed Forces of the United States.

(14) It is essential that the President alone have the ability to formulate foreign policy and engage in diplomacy.

(15) The offices of the Speaker of the House of Representatives and the Majority Leader of the Senate are positions of special responsibility, seen as ''authoritative'' by foreign governments, and thus, the Speaker of the House and the Majority Leader of the Senate should be held accountable for actions that may be seen by foreign governments as contrary to the foreign policy goals of the President.

(16) Recent actions by Speaker of the House Nancy Pelosi, whether intentionally or unintentionally, have undermined the President's foreign policy toward Syria by giving a false impression of the positions of the United States and Israel on negotiations with the Government of Syria.

(17) It is essential that Members of Congress be viewed as supportive of the President's execution of foreign policy.

(18) It is harmful and dangerous for the executive power of the President to be subjugated by Congress.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is not in the interests of the United States for Members of Congress to intervene in disputes between the United States Government and governments of foreign countries without the authorization of the President; and

(2) Members of Congress should heed the foreign policies of the President while traveling outside the United States and meeting with foreign governments.

SA 880. Mr. INHOFE (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. ___. SENSE OF CONGRESS REGARDING PRESIDENTIAL AUTHORITY TO CONTROL FOREIGN POLICY.

(a) FINDINGS.—Congress finds the following:

(1) Article II, section 1 of the Constitution of the United States grants ''executive Power'' to the President of the United States.

(2) James Madison wrote in Federalist No. 47 that Charles de Montesquieu was ''[t]he oracle who is always consulted and cited'' on

issues dealing with separation of powers, and, in ''The Spirit of the Laws'', Montesquieu defined the executive power ''in respect to things dependent on the law of nations'' and as the power by which the ''magistrate . . . makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions''.

(3) In a speech to Congress in 1789, James Madison noted that the ''association of the Senate with the President in exercising [the appointment] function, is an exception to this general rule [that executive power is vested solely in the President]; and exceptions to general rules . . . are ever to be taken strictly''.

(4) In 1790, Thomas Jefferson wrote, ''The transaction of business with foreign nations is executive altogether. It belongs, then, to the head of that department, except as to such portions of it as are specially submitted to the Senate. Exceptions are to be construed strictly.''.

(5) Alexander Hamilton reaffirmed this view in 1793, asserting ''that as the participation of the Senate in the making of treaties, and the power of the legislature to declare war, are exceptions out of the general 'executive power' vested in the President, they are to be construed strictly, and ought to be extended no further than is essential to their execution''.

(6) John Marshall, during his congressional term in 1799, reaffirmed that the President was ''the sole organ of the nation in its external relations'' because ''[h]e possesses the whole Executive Power''.

(7) In 1936, the Supreme Court, in *United States* v. *Curtiss-Wright Export Corporation*, 299 U.S. 304, stated, ''Not only, as we have shown, is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He makes treaties with the advise and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude, and Congress itself is powerless to invade it.''.

(8) Section 953 of title 18, United States Code, originally enacted in 1799 as the Logan Act (1 Stat. 613), states, ''Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined under this title or imprisoned not more than three years, or both. This section shall not abridge the right of a citizen to apply himself, or his agent, to any foreign government, or the agents thereof, for redress of any injury which he may have sustained from such government or any of its agents or subjects.''.

(9) In 1952, Senator Arthur Vandenberg asserted that ''politics stop at the water's edge''.

(10) Intrusions on the executive power of the President by Members of Congress have had negative effects on foreign policy, and, in the past, some Members of Congress have tried to subvert the goals and aims of the executive branch by pursuing foreign policy goals that are contrary to those of the President.

(11) In 1987 and 1988, Speaker of the House Jim Wright attempted to engage in diplomacy between the Sandinista Government of Nicaragua and the Contra regime against the expressed aims of President Ronald Reagan. Speaker Wright's actions undermined the authority and leveraging power of the President at a crucial time in the Nation's history and also ignored the finding of the Permanent Select Committee on Intelligence of the House of Representatives that the Government of Nicaragua was planning to use military force against coterminous states.

(12) In 1980, Representative Charlie Wilson began urging the Central Intelligence Agency to arm Afghani mujahideen fighters. The decision to double funding to Afghanistan was unsolicited and was made without the knowledge of the President. The book ''Charlie Wilson's War'', written by George Crile, asserts that Representative Wilson thus violated the Logan Act.

(13) In 1983, the decision of Congress to attach a stipulation to legislation authorizing the extension of the presence of the Marines in Beirut, which stated that the extension could be withdrawn if fatalities continued, possibly led to the suicide bombing of the Marine barracks on October 23, 1983, causing the deaths of 241 members of the Armed Forces of the United States.

(14) It is essential that the President alone have the ability to formulate foreign policy and engage in diplomacy.

(15) The offices of the Speaker of the House of Representatives and the Majority Leader of the Senate are positions of special responsibility, seen as ''authoritative'' by foreign governments, and thus, the Speaker of the House and the Majority Leader of the Senate should be held accountable for actions that may be seen by foreign governments as contrary to the foreign policy goals of the President.

(16) Recent actions by Speaker of the House Nancy Pelosi, whether intentionally or unintentionally, have undermined the President's foreign policy toward Syria by giving a false impression of the positions of the United States and Israel on negotiations with the Government of Syria.

(17) It is essential that Members of Congress be viewed as supportive of the President's execution of foreign policy.

(18) It is harmful and dangerous for the executive power of the President to be subjugated by Congress.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is not in the interests of the United States for Members of Congress to intervene in disputes between the United States Government and governments of foreign countries without the authorization of the President; and

(2) Members of Congress should heed the foreign policies of the President while traveling outside the United States and meeting with foreign governments.

SA 881. Mr. WYDEN (for himself, Mr. BOND, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IV, insert the following:

SEC. 426. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ENTITLED "CIA ACCOUNTABILITY WITH RESPECT TO THE 9/11 ATTACKS".

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make available to the public an unclassified version of the Executive Summary of the report of the Inspector General of the Central Intelligence Agency entitled ''Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusion of the Report of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attack of September 11, 2001'' issued in June 2005 that redacts any classified material contained in the Executive Summary.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

SA 882. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, line 14, strike the period and insert '', if the Director of National Intelligence determines that publication of such description or determination would not endanger national security.''

SA 883. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. PROHIBITION OF WAR CRIMES PROSECUTION.

(a) SHORT TITLE.—This section may be cited as the ''Prohibition of Foreign War Crimes Prosecutions of Americans Act of 2007''.

(b) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

''§ 2442. International criminal court

''(a) OFFENSE.—Except as provided under subsection (b), it shall be unlawful for any person, acting under the authority of the International Criminal Court, another international organization, or a foreign government, to knowingly indict, apprehend, detain, prosecute, convict, or participate in the imposition or carrying out of any sentence or other penalty on, any American in connection with any proceeding by or before the International Criminal Court, another international organization, or a foreign government in which that American is accused of a war crime.

''(b) EXCEPTION.—Subsection (a) shall not apply in connection with a criminal proceeding instituted by the government of a foreign country within the courts of such country with respect to a war crime allegedly committed—

''(1) on territory subject to the sovereign jurisdiction of such government; or

''(2) against persons who were nationals of such country at the time that the war crime is alleged to have been committed.

''(c) CRIMINAL PENALTY.—

''(1) IN GENERAL.—Any person who violates subsection (a) shall be fined not more than $5,000,000, imprisoned under paragraph (2), or both.

''(2) PRISON SENTENCE.—The maximum term of imprisonment for an offense under this section is the greater of—

''(A) 5 years; or

''(B) the maximum term that could be imposed on the American in the criminal proceeding described in subsection (a) with respect to which the violation took place.

''(d) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial jurisdiction over an offense under this section.

''(e) CIVIL REMEDY.—Any person who is aggrieved by a violation described in subsection (a) may, in a civil action, obtain appropriate relief, including—

''(1) punitive damages; and

''(2) a reasonable attorney's fee as part of the costs.

''(f) DEFINITIONS.—In this section—

''(1) the term 'American' means any citizen or national of the United States, or any other person employed by or working under the direction of the United States Government;

''(2) the term 'indict' includes—

''(A) the formal submission of an order or request for the prosecution or arrest of a person; and

''(B) the issuance of a warrant or other order for the arrest of a person,

by an official of the International Criminal Court, another international organization, or a foreign government;

''(3) the term 'International Criminal Court' means the court established by the Rome Statute of the International Criminal Court adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of and International Criminal Court on July 17, 1998; and

''(4) the term 'war crime' means any offense that is within the jurisdiction of the International Criminal Court at the time the offense is committed.''.

(c) CLERICAL AMENDMENT.—The table of sections in chapter 118 of title 18, United States Code, is amended by adding at the end the following:

''2442. International criminal court.''.

SA 884. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. PENALTIES FOR VIOLATIONS OF THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

''PENALTIES

''SEC. 206. (a) It shall be unlawful for—

''(1) a person to violate, or conspire to or attempt to violate, any license, order, regulation, or prohibition issued under this title;

''(2) a person subject to the jurisdiction of the United States to take any action to evade or avoid, or attempt to evade or avoid, a license, order, regulation, or prohibition issued under this title; or

''(3) a person subject to the jurisdiction of the United States to approve, facilitate, or provide financing for any action, regardless of who initiates or completes the action, if it would be unlawful for such person to initiate or complete the action.

''(b) A civil penalty not to exceed $250,000 may be imposed on any person who commits an unlawful act described in subsection (a).

''(c) A person who willfully commits, or willfully attempts to commit, an unlawful act described in subsection (a), shall, upon conviction for such unlawful act—

''(1) if a corporation, be fined not more than $500,000;

''(2) if a natural person, be fined not more than $500,000, or imprisoned not more than 10 years, or both; or

''(3) if an officer, director, or agent of a corporation who knowingly participates, or attempts to participate, in such unlawful act, be fined not more than $500,000, or imprisoned not more than 10 years, or both.''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, April 18, 2007, at 10 a.m., to conduct a hearing on Repealing Limitation on Party Expenditures on Behalf of Candidates in General Elections.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee on 224–6352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy, Committee on Energy and Natural Resources.

The hearing will be held on April 23, 2007 at 3 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1115, a bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, 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 Deborah Estes at (202) 224–4971 or Britni Rillera at (202) 224–1219.

JOINT COMMITTEE ON THE LIBRARY

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Joint Committee of Congress on the Library will meet on Wednesday, April 18, 2007, at 2:15 p.m., in S–115 to conduct its organization meeting for the 110th Congress.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee on 224–6352.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, the Chairman would like to inform the Members of the Committee that the Committee will hold a hearing entitled ''Sarbanes-Oxley and Small Business: Addressing Proposed Regulatory Changes and their Impact on Capital Markets,'' on Wednesday, April 18, 2007 at 10 a.m. in room 428A of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Monday, April 16, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on S. 731, National Carbon Dioxide Storage Capacity Assessment Act of 2007 and S. 962, Department of Energy Carbon Capture and Storage Research, Development, and Demonstration Act of 2007.

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

APPOINTMENTS

The PRESIDING OFFICER. The chair, on behalf of the Republican leader, pursuant to Section 154 of Public Law 108–199, appoints the following Senator as Vice Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during the 110th Congress: the Honorable TRENT LOTT of Mississippi.

The Chair, on behalf of the Majority Leader, pursuant to Section 154 of Public Law 108–199, appoints the following Senator as Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during the 110th Congress: the Honorable E. BENJAMIN NELSON of Nebraska.

ORDERS FOR TUESDAY, APRIL 17, 2007

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, April 17; that on Tuesday, following the prayer and the pledge, the Journal

of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republican leader or his designee, and the final 30 minutes under the control of the majority leader or his designee; that at close of morning business, the Senate resume consideration of S. 372, the Intelligence authorization bill; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conference work sessions.

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

ORDER TO ADJOURN

Mr. ROCKEFELLER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order following the remarks of Senator WARNER and Senator WEBB.

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

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXPRESSING THE CONDOLENCES OF THE SENATE ON THE TRAGIC EVENTS AT VIRGINIA TECH UNIVERSITY

Mr. WARNER. Mr. President, I am joined here with my colleague, Senator WEBB, and the two of us have put forward a resolution of the Senate, S. Res. 149. We are joined in the cosponsorship by the distinguished majority leader, Senator REID, the minority leader, Senator MCCONNELL, and all other Members of the Senate.

Our resolution, jointly prepared by Senator WEBB and myself, reads as follows:

Expressing the condolences of the Senate on the tragic events at Virginia Tech University.

Resolved, that the Senate

(1) offers its heartfelt condolences to the victims and their families, and to students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred today at Virginia Tech in Blacksburg, Virginia;

(2) expresses its hope that today's losses will lead to a shared national commitment to take steps that will help our communities prevent such tragedies from occurring in the future; and

(3) recognizes that Virginia Tech has served as an exemplary institution of teaching, learning, and research for well over a century; and that the University's historic and proud traditions will carry on.

I yield the floor to my distinguished colleague.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I again express my gratitude to the senior Senator from Virginia for taking the initiative on this resolution and working with us to make sure this is language which is acceptable to all the Members of this body.

I also express my appreciation to many people in this body—Members—and also staff members and others who have come forward today and expressed their condolences about what happened in this incident. Again, all of us are truly saddened by what has happened today in this tragic event. This is a very small gesture of condolence and support from our body, but I think it is a very appropriate one, and I am pleased to be one of the cosponsors of it. Hopefully, once the grieving is done, we can, indeed, move forward to finding ways that will prevent these sorts of incidents from happening in the future.

I yield the floor.

Mr. WARNER. Mr. President, I thank my distinguished colleague. We have worked as partners on this resolution throughout the day. It has been a most unusual day for the two of us, for our Governor, for our State, and all its people.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 149, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 149) expressing the condolences of the Senate on the tragic events at Virginia Tech University.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to and that the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 149) was agreed to, as follows:

S. RES. 149

Expressing the condolences of the Senate on the tragic events at Virginia Tech University.

Resolved, that the Senate—

(1) offers its heartfelt condolences to the victims and their families, and to students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred today at Virginia Tech in Blacksburg, Virginia;

(2) expresses its hope that today's losses will lead to a shared national commitment to take steps that will help our communities prevent such tragedies from occurring in the future; and

(3) recognizes that Virginia Tech has served as an exemplary institution of teaching, learning, and research for well over a century; and that the University's historic and proud traditions will carry on.

Mr. WARNER. I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:47 p.m., adjourned until Tuesday, April 17, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 16, 2007:

FEDERAL EMERGENCY MANAGEMENT AGENCY

DENNIS R. SCHRADER, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR FOR NATIONAL PREPAREDNESS, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KIRK O. AUSTIN, 0000
JOHNNY M. SELLERS, 0000
LEE W. SMITHSON, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CRAIG E. BENNETT, 0000
DAVID G. BRIDGES, 0000
GARY A. FREESE, 0000
DARLENE M. SHEALY, 0000