

SENSE OF THE SENATE ON THE NEED FOR A  
NEW DIRECTION IN IRAQ POLICY AND IN THE  
CIVILIAN LEADERSHIP OF THE DEPARTMENT  
OF DEFENSE

Findings

(1) U.S. forces have served honorably and courageously in Iraq, with over 2,600 brave Americans having made the ultimate sacrifice and over 20,000 wounded.

(2) The current "stay the course" policy in Iraq has made America less secure, reduced the readiness of our troops, and burdened America's taxpayers with over \$300 billion in additional debt.

(3) With weekly attacks against American and Iraqi troops at their highest levels since the start of the war, and sectarian violence intensifying, it is clear that staying the course in Iraq is not a strategy for success.

Therefore it is the Sense of the Senate that:

(1) Our troops deserve and the American people expect the Bush Administration to provide competent civilian leadership and a true strategy for success in Iraq.

(2) President Bush needs to change course in Iraq to provide a strategy for success. One indication of a change of course would be to replace the current Secretary of Defense.

**SA 4905.** Mr. STEVENS (for Mr. LEVIN) proposed an amendment to the bill H.R. 2066, to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes; as follows:

At the end of the bill add the following:

**SECTION 6. DISPOSAL OF FEDERAL SURPLUS PROPERTY TO HISTORIC LIGHT STATIONS.**

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (vii), by striking "or" after the semicolon;

(2) in clause (viii), by striking the period and inserting "or"; and

(3) by adding at the end the following:

"(ix) a historic light station as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(e)(2)), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public."

**SA 4906.** Mr. ROCKEFELLER proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 206, strike lines 10 through 16.

**AUTHORITY FOR COMMITTEES TO MEET**

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 6, 2006, at 10 a.m., to receive a briefing on the Army Field Manual on Interrogation.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 6, 2006, at 10 a.m., to conduct a hearing on "Stock Options Backdating."

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that on Wednesday, September 6, 2006, at 9:30 a.m. the Committee on Environment and Public Works be authorized to hold an oversight hearing to examine Federal renewable fuels programs.

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

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, September 6, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony at a hearing entitled, "Executive Compensation: Backdating to the Future/Oversight of current issues regarding executive compensation including backdating of stock options; and tax treatment of executive compensation, retirement and benefits."

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Examining Competition in Group Health Care" on Wednesday, September 6, 2006, at 11 a.m., in Dirksen Senate Office Building room 226.

Witness List

Panel I: The Honorable Tom Coburn, United States Senator, R-OK.

Panel II: Mr. Bruce McDonald, Deputy Assistant Attorney General, Antitrust Division, Department of Justice, Washington, DC; Mr. David Wales, Deputy Director, Bureau of Competition, Federal Trade Commission, Washington, DC; Dr. Mark Piasio, President, Pennsylvania Medical Society, Harrisburg, PA; Ms. Stephanie Kanwit, American Association of Health Plans, Washington, DC; Dr. Edward Langston, Chair-Elect, Board of Trustees, American Medical Association, Chicago, IL; Professor David Hyman, Professor of Law, Gallowich-Huizenga Faculty Scholar, University of Illinois College of Law, Champaign, IL.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Wednesday, September 6, 2006, at 2 p.m., in Dirksen Senate Office Building room 226.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 6, 2006, at 10:30 a.m., to hold a closed briefing.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Brianna Rodriguez of my staff be granted floor privileges for the duration of today's session.

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

MEASURE READ THE FIRST TIME—S. 3861

Mr. STEVENS. Mr. President, I understand there is a bill at the desk, S. 3861, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 3861) to facilitate bringing justice to terrorists and other unlawful enemy combatants through full and fair trials by military commissions, and for other purposes.

Mr. STEVENS. Mr. President, I ask for a second reading, and in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

GENERAL SERVICES ADMINISTRATION MODERNIZATION ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 449, H.R. 2066.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2066) to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2066

*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 "General Services Administration Modernization Act".

**SEC. 2. FEDERAL ACQUISITION SERVICE.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Section 303 of title 40, United States Code, is amended to read as follows:

**§ 303. Federal Acquisition Service**

“(a) ESTABLISHMENT.—There is established in the General Services Administration a Federal Acquisition Service. The Administrator of General Services shall appoint a Commissioner of the Federal Acquisition Service, who shall be the head of the Federal Acquisition Service.

“(b) FUNCTIONS.—Subject to the direction and control of the Administrator of General Services, the Commissioner of the Federal Acquisition Service shall be responsible for carrying out functions related to the uses for which the Acquisition Services Fund is authorized under section 321 of this title, including any functions that were carried out by the entities known as the Federal Supply Service and the Federal Technology Service and such other related functions as the Administrator considers appropriate.

“(c) REGIONAL EXECUTIVES.—The Administrator may appoint [up to five] Regional Executives in the Federal Acquisition Service, to carry out such functions within the Federal Acquisition Service as the Administrator considers appropriate.”.

(2) CLERICAL AMENDMENT.—The item relating to section 303 at the beginning of chapter 3 of such title is amended to read as follows: “303. Federal Acquisition Service.”.

(b) EXECUTIVE SCHEDULE COMPENSATION.—Section 5316 of title 5, United States Code, is amended by striking “Commissioner, Federal Supply Service, General Services Administration.” and inserting the following: “Commissioner, Federal Acquisition Service, General Services Administration.”.

(c) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, reorganization plan, or delegation of authority, or in any document—

(1) to the Federal Supply Service is deemed to refer to the Federal Acquisition Service;

(2) to the GSA Federal Technology Service is deemed to refer to the Federal Acquisition Service;

(3) to the Commissioner of the Federal Supply Service is deemed to refer to the Commissioner of the Federal Acquisition Service; and

(4) to the Commissioner of the GSA Federal Technology Service is deemed to refer to the Commissioner of the Federal Acquisition Service.

**SEC. 3. ACQUISITION SERVICES FUND.**

(a) ABOLISHMENT OF GENERAL SUPPLY FUND AND INFORMATION TECHNOLOGY FUND.—The General Supply Fund and the Information Technology Fund in the Treasury are hereby abolished.

(b) TRANSFERS.—Capital assets and balances remaining in the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall be transferred to the Acquisition Services Fund and shall be merged with and be available for the purposes of the Acquisition Services Fund under section 321 of title 40, United States Code (as amended by this Act).

(c) ASSUMPTION OF OBLIGATIONS.—Any liabilities, commitments, and obligations of the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall be assumed by the Acquisition Services Fund.

(d) EXISTENCE AND COMPOSITION OF ACQUISITION SERVICES FUND.—Subsections (a) and (b) of section 321 of title 40, United States Code, are amended to read as follows:

“(a) EXISTENCE.—The Acquisition Services Fund is a special fund in the Treasury.

“(b) COMPOSITION.—

“(1) IN GENERAL.—The Fund is composed of amounts authorized to be transferred to the Fund or otherwise made available to the Fund.

“(2) OTHER CREDITS.—The Fund shall be credited with all reimbursements, advances, and refunds or recoveries relating to personal property or services procured through the Fund, including—

“(A) the net proceeds of disposal of surplus personal property; and

“(B) receipts from carriers and others for loss of, or damage to, personal property; and

“(C) receipts from agencies charged fees pursuant to rates established by the Administrator.

“(3) COST AND CAPITAL REQUIREMENTS.—The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall develop a plan concerning such requirements in consultation with the Chief Financial Officer of the General Services Administration. Any change to the cost and capital requirements of the Fund for a fiscal year shall be approved by the Administrator. The Administrator shall establish rates to be charged agencies provided, or to be provided, supply of personal property and non-personal services through the Fund, in accordance with the plan.

“(4) DEPOSIT OF FEES.—Fees collected by the Administrator under section 313 of this title may be deposited in the Fund to be used for the purposes of the Fund.”.

(e) USES OF FUND.—Section 321(c) of such title is amended in paragraph (1)(A)—

(1) by striking “and” at the end of clause (i);

(2) by inserting “and” after the semicolon at the end of clause (ii); and

(3) by inserting after clause (ii) the following new clause:

“(iii) personal services related to the provision of information technology (as defined in section 11101(6) of this title);”.

(f) PAYMENT FOR PROPERTY AND SERVICES.—Section 321(d)(2)(A) of such title is amended—

(1) by striking “and” at the end of clause (iv);

(2) by redesignating clause (v) as clause (vi); and

(3) by inserting after clause (iv) the following new clause:

“(v) the cost of personal services employed directly in providing information technology (as defined in section 11101(6) of this title); and”.

(g) TRANSFER OF UNCOMMITTED BALANCES.—Subsection (f) of section 321 of such title is amended to read as follows:

“(f) TRANSFER OF UNCOMMITTED BALANCES.—Following the close of each fiscal year, after making provision for a sufficient level of inventory of personal property to meet the needs of Federal agencies, the replacement cost of motor vehicles, and other anticipated operating needs reflected in the cost and capital plan developed under subsection (b), the uncommitted balance of any funds remaining in the Fund shall be transferred to the general fund of the Treasury as miscellaneous receipts.”.

(h) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Section 322 of such title is repealed.

(2) The heading for section 321 of such title is amended to read as follows:

**“§ 321. Acquisition Services Fund”.**

(3) The table of sections for chapter 3 of such title is amended by striking the items relating to sections 321 and 322 and inserting the following:

“321. Acquisition Services Fund.”.

(4) Section 573 of such title is amended by striking “General Supply Fund” both places it appears and inserting “Acquisition Services Fund”.

(5) Section 604(b) of such title is amended—

(A) in the heading, by striking “GENERAL SUPPLY FUND” and inserting “ACQUISITION SERVICES FUND”; and

(B) in the text, by striking “General Supply Fund” and inserting “Acquisition Services Fund”.

(6) Section 605 of such title is amended—

(A) in subsection (a)—

(i) in the heading, by striking “GENERAL SUPPLY FUND” and inserting “ACQUISITION SERVICES FUND”; and

(ii) in the text, by striking “General Supply Fund” and inserting “Acquisition Services Fund”; and

(B) in subsection (b)(2)—

(i) by striking “321(f)(1)” and inserting “321(f)”; and

(ii) by striking “General Supply Fund” and inserting “Acquisition Services Fund”.

**SEC. 4. PROVISIONS RELATING TO ACQUISITION PERSONNEL.**

Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by adding at the end the following new subsections:

“(i) PROVISIONS RELATING TO REEMPLOYMENT.—

“(1) POLICIES AND PROCEDURES.—The head of each executive agency, after consultation with the Administrator and the Director of the Office of Personnel Management, shall establish policies and procedures under which the agency head may reemploy in an acquisition-related position (as described in subsection (g)(1)(A)) an individual receiving an annuity from the Civil Service Retirement and Disability Fund, on the basis of such individual’s service, without discontinuing such annuity. The head of each executive agency shall keep the Administrator informed of the agency’s use of this authority.

“(2) SERVICE NOT SUBJECT TO CSRS OR FERS.—An individual so reemployed shall not be considered an employee for the purposes of chapter 83 or 84 of title 5, United States Code.

“(3) CRITERIA FOR EXERCISE OF AUTHORITY.—Policies and procedures established pursuant to this subsection shall authorize the head of the executive agency, on a case-by-case basis, to continue an annuity if—

“(A) the unusually high or unique qualifications of an individual receiving an annuity from the Civil Service Retirement and Disability Fund on the basis of such individual’s service, [or

“(B) a special need of the agency for the services of an employee.]

“(B) the exceptional difficulty in recruiting or retaining a qualified employee, or

“(C) a temporary emergency hiring need,

makes the reemployment of an individual essential.

“(4) REPORTING REQUIREMENT.—The Administrator shall submit annually to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the use of the authority under this subsection, including the number of employees reemployed under authority of this subsection.

“(5) SUNSET PROVISION.—The authority under this subsection shall expire on [December 31, 2011.] December 31, 2011.”.

“(j) RETENTION BONUSES.—

“(1) IN GENERAL.—The head of each executive agency, after consultation with the Administrator, shall establish policies and procedures under which the agency head may pay retention bonuses to employees holding acquisition-related positions (as described in subsection (g)(1)(A)) within such agency, except that the authority to pay a bonus under this subsection shall be available only if—

“(A) the unusually high or unique qualifications of an employee or a special need of the agency for the services of an employee makes the retention of such employee essential; and

“(B) the agency determines that, in the absence of such a bonus, it is likely that the employee would leave—

“(i) the Federal service; or

“(ii) for a different position in the Federal service under conditions described in regulations of the Office.

“(2) SERVICE AGREEMENTS.—(A) Payment of a bonus under this subsection shall be contingent upon the employee entering into a written agreement with the agency to complete a period of service with the agency in return for the bonus.

“(B)(i) The agreement shall include—

“(I) the length of the period of service required;

“(II) the bonus amount;

“(III) the manner in which the bonus will be paid (as described in paragraph (3)(B)); and

“(IV) any other terms and conditions of the bonus, including the terms and conditions governing the termination of an agreement.

“(3) TERMS AND CONDITIONS.—A bonus under this subsection—

“(A) may not exceed 50 percent of the basic pay of the employee;

“(B) may be paid to an employee—

“(i) in installments after completion of specified periods of service;

“(ii) in a single lump sum at the end of the period of service required by the agreement; or

“(iii) in any other manner mutually agreed to by the agency and the employee;

“(C) is not part of the basic pay of the employee; and

“(D) may not be paid to an employee who holds a position—

“(i) appointment to which is by the President, by and with the advice and consent of the Senate;

“(ii) in the Senior Executive Service as a noncareer appointee (as such term is defined under section 3132(a) of title 5, United States Code); or

“(iii) which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.”.]

#### SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the Levin amendment be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The amendment (No. 4905) was agreed to, as follows:

At the end of the bill add the following:

#### SECTION 6. DISPOSAL OF FEDERAL SURPLUS PROPERTY TO HISTORIC LIGHT STATIONS.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (vii), by striking “or” after the semicolon;

(2) in clause (viii), by striking the period and inserting “; or”; and

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

“(ix) a historic light station as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(e)(2)), including a historic light station

conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.”.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2066), as amended, was read the third time and passed; as follows:

(The bill will be printed in a future edition of the RECORD.)

#### NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 448 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 448) supporting the goals and ideals of “National Life Insurance Awareness Month”.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

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

The resolution (S. Res. 448) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 448

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2006 as “National Life Insurance Awareness Month” as a means to encourage consumers to—

(1) become more aware of their life insurance needs;

(2) seek professional advice regarding life insurance; and

(3) take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of “National Life Insurance Awareness Month”; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

#### ORDERS FOR THURSDAY, SEPTEMBER 7, 2006

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Thursday, September 7. I further ask that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee and the final 15 minutes under the control of the majority leader or his designee; further, that the Senate then resume consideration of H.R. 5631, the Department of Defense appropriations bill.

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

#### PROGRAM

Mr. STEVENS. Mr. President, speaking for the leader, he believes we had a full day debating the Department of Defense appropriations bill. Tomorrow we will finish this bill. Therefore, Senators should expect rollcall votes throughout the day. The managers should be consulted about any outstanding amendments Senators would like to have considered. Senator CONRAD will be here first thing in the morning to offer an amendment.

Again, we will finish this bill tomorrow, and Members should anticipate a long day if needed to complete our work on this spending bill.

#### ORDER FOR RECESS

Mr. STEVENS. Mr. President, it is my understanding that Senator ROCKEFELLER has an amendment and a statement. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order, following the remarks of Senator ROCKEFELLER.

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

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007—Continued

Mr. ROCKEFELLER. Mr. President, I thank the distinguished Senator from Alaska. It is late, and I understand that. I rise to address something which is very important to me, and that is the Defense appropriations bill that may appear to many to be insignificant boilerplate language, when, in fact, is not that at all. Unfortunately, the provision has an enlarged significance in