

Purpose: \_\_\_\_\_

IN THE SENATE OF THE UNITED STATES—

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S. \_\_\_\_\_

H.R. \_\_\_\_\_

(title) \_\_\_\_\_

**AMENDMENT No. 1097**

By *Reid for Levin (Reid)*

To: *the language proposed to be stricken by Smith*

( *No. 1065* )  
**5—Page(s)**

GPO: 2006 30-772 (Mac)

( ) Ordered to lie on the table and be printed

INTENDED to be proposed by *Mr. Levin for himself and Mr. Reid*

Viz: *At the appropriate place add the following:*

**SEC. 1. Military Readiness – Mission Capable Units**

(a) Congress finds that it is Defense Department policy that units should not be deployed for combat unless they are rated "fully mission capable".

(b) None of the funds appropriated or otherwise made available in this or any other Act may be used to deploy any unit of the Armed Forces to Iraq unless the chief of the military department concerned has certified in writing to the Committees on Appropriations and the Committees on Armed Services at least 15 days in advance of the deployment that the unit is fully mission capable.

(c) For purposes of subsection (b), the term "fully mission capable" means capable of performing assigned mission essential tasks to prescribed standards under the conditions expected in the theater of operations, consistent with the guidelines set forth in the Department of Defense readiness reporting system.

(d) The President may waive the limitation prescribed in subsection (b) on a unit-by-unit basis by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that he has authorized the deployment to Iraq of a unit that is not assessed fully mission capable and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's deployment is necessary despite the chief of the military department's assessment that the unit is not fully mission capable,

**SEC. 2. Military Readiness -- Duration of Tours of Duty in Iraq**

(a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be deployed for combat beyond 365 days or that Marine Corps and Marine Corps Reserve units should not be deployed for combat beyond 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of extending the deployment for Operation Iraqi Freedom of –

(1) any unit of the Army, Army Reserve or Army National Guard

*Reid Doing*

beyond 365 days; or

(2) any unit of the Marine Corps or Marine Corps Reserve beyond 210 days.

(c) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that he has authorized the extension of a unit's deployment in Iraq beyond the periods specified in subsection (b) and by submitting along with the certification a report in classified and unclassified form detailing the particular reason or reasons why the unit's extended deployment is necessary,

### **SEC. 3. Military Readiness – Multiple Deployments**

(a) Congress finds that it is Defense Department policy that Army, Army Reserve, and National Guard units should not be redeployed for combat if the unit has been deployed within the previous 365 consecutive days or that Marine Corps and Marine Corps Reserve units should not be redeployed for combat if the unit has been deployed within the previous 210 days.

(b) None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended to initiate the development of, continue the development of, or execute any order that has the effect of deploying for Operation Iraqi Freedom of –

(1) any unit of the Army, Army Reserve or Army National Guard if such unit has been deployed within the previous 365 consecutive days; or

(2) any unit of the Marine Corps or Marine Corps Reserve if such unit has been deployed within the previous 210 consecutive days.

(c) The President may waive the limitations prescribed in subsection (b) on a unit-by-unit basis by certifying in writing to the Committees on Appropriations and the Committees on Armed Services that he has authorized the redeployment of a unit to Iraq in advance of the periods specified in subsection (b) and by submitting along with the certification a report in classified and unclassified form

detailing the particular reason or reasons why the unit's redeployment is necessary.

**SEC. 4. Benchmarks**

(a) Beginning on July 15, 2007, and every 30 days thereafter, the Secretary of Defense and the Secretary of State, after consultation with the U.S. Ambassador to Iraq, Commander U.S. Central Command, and Commander, Multi-National Forces Iraq, shall jointly submit to Congress a report describing and assessing in detail the progress made by the Government of Iraq in meeting each of the benchmarks set forth in subsection (1), the security objectives set forth in the President's revised strategy of January 10, 2007, and answering the questions posed in subsections (2) and (3).

(1) whether the Government of Iraq has:

(i) enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis;

(ii) adopted legislation necessary for the conduct of provincial and local elections including setting a schedule to conduct provincial and local elections;

(iii) reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws;

(iv) amended the Constitution of Iraq consistent with the principles contained in Article 140 of such constitution, including, at a minimum, the submission of such amendments to the Iraqi Parliament for the protection of minority rights; and

(v) allocated and expended \$10,000,000,000 in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

(2) whether the Government of Iraq and United States Armed Forces has made substantial progress in reducing the level of sectarian violence in Iraq; and

(3) whether each battalion of the security forces of Iraq has achieved

a level of combat proficiency such that it can conduct independent combat operations without support from Coalition forces in Iraq.

(b) Notwithstanding any other provision of law, 75 percent of the funds appropriated by this Act or any other act for assistance for Iraq under the headings "Economic Support Fund" and "International Narcotics and Law Enforcement" shall be withheld from obligation until the President certifies to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services and Foreign Affairs of the House of Representatives that the Government of Iraq is making substantial progress towards meeting each of the benchmarks set forth in subsection (a)(1).

(c) The requirement to withhold funds from obligation pursuant to subsection (b) shall not apply with respect to funds made available under the heading "Economic Support Fund" for continued support for the Community Action Program and the Community Stabilization Program in Iraq administered by the United States Agency for International Development, or for programs and activities to promote democracy and human rights in Iraq.

## SEC. 5 Reduction of forces

(a) Subject to the waiver authority provided for in subsection (e), the Secretary of Defense shall commence the reduction of the number of United States Armed Forces in Iraq not later than October 1, 2007, with a goal of completing such reduction within 180 days. The goal of completing such reduction shall be accelerated if the President is unable to report that the Government of Iraq is making substantial progress towards meeting each of the benchmarks set forth in subsection (a) (1) of Section ~~4~~ by October 15, 2007.

(b) Notwithstanding any other provision of law, funds appropriated or otherwise made available in this or any other Act are available for obligation and expenditure to plan and execute a safe and orderly reduction of the Armed Forces in Iraq.

(c) The reduction of forces required by this section shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes

sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(d) After the conclusion of the reduction required by this section, the Secretary of Defense may not deploy or maintain members of the Armed Forces in Iraq for any purpose other than the following:

- (1) Protecting American diplomatic facilities and American citizens, including members of the U.S. armed forces;
- (2) Serving in roles consistent with customary diplomatic positions;
- (3) Engaging in targeted actions against members of al-Qaeda and allied parties and other terrorist organizations with global reach; and
- (4) Training and equipping members of the Iraqi Security Forces.

(e) Waiver Authority

- (1) In General -- The President may waive the reduction of forces requirements of this section if he submits to Congress a written certification setting forth a detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the United States to bring about the meeting of the benchmarks set forth in subsections (a)(1) of section \_ by the Iraqis. The certification shall be submitted in unclassified form, but may include a classified annex.
- (2) Duration -- The Waiver under paragraph (1) shall be effective for 90 days beginning on the date of the submittal of the certification under that paragraph.
- (3) Renewal -- A waiver under paragraph (1) may be renewed if, before the end of the expiration of the waiver under paragraph (2), the President submits to Congress before the end of the effective period of the waiver under paragraph (2) a certification meeting the requirements of this subsection. Any waiver so renewed may be further renewed as provided in this paragraph.