

tions or laws of the United States regarding the treatment of individuals detained by the U.S. armed forces or by a person providing services to the Department of Defense on a contractual basis, if such information would not compromise any ongoing criminal or administrative investigation or prosecution.

This section would also include additional information on investigations and prosecutions for any officer nominated for command, or nominated for promotion or appointment to a position requiring the advice and consent of the Senate, which should be clearly designated as such. The information in connection with nominations shall be submitted to the House Committee on Armed Services and the Senate Committee on Armed Services on a regular, timely basis in advance of any nomination.

Section 1040—Date for Final Report of EMP Commission

This section would direct the Electromagnetic Pulse (EMP) Attack Commission, established by title 14 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), and reestablished by section 1042 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) to move its final report date from June 30, 2007, to 18 months after commencement of commission activities.

TITLE XI—CIVILIAN PERSONNEL MATTERS

ITEM OF SPECIAL INTEREST

Performance Periods Established in Connection with Public-private Competitions

The committee notes that civilian in-house workforces and contractor workforces who win A–76 competitions are treated differently with respect to recompetitions at the end of their performance periods. The committee also notes that OMB Circular A–76 (revised May 29, 2003), while technically allowing an in-house workforce to receive an extension to the performance period, in effect, rarely results in an extension. The committee further notes that in contrast, the regulations in the Federal Acquisition Regulations regarding contractor performance periods appear to result in frequent extensions to contractor performance periods. The committee believes that this apparent disparity may prejudice civilian in-house employees.

The committee directs the Secretary of Defense, in coordination with the Office of Management and Budget, to examine this apparent inequity and report to the congressional defense committees by March 1, 2007. The report its findings shall include an analysis and comparison of recompetitions conducted since January 1, 2001 through the date of the enactment of this Act to determine the frequency of in-house extensions and contractor extensions. The report shall also examine the existing regulations governing recompetitions to identify areas of possible disparity between in-house and contractor workforces. The committee further directs the Secretary to provide recommendations regarding any inequities between the in-house and contractor workforces disclosed in this examination.

LEGISLATIVE PROVISIONS

Section 1101—Increase in Authorized Number of Defense Intelligence Senior Executive Service Employees

This section would increase the authorization for the number of Defense Intelligence Senior Executive Service employees by 50 in fiscal year 2007.

Section 1102—Authority for Department of Defense to Pay Full Replacement Value for Personal Property Claims of Civilians

This section would amend section 2636a(a) of title 10, United States Code, to authorize full replacement value coverage for household goods of civilian employees of the Department of Defense damaged or lost during transportation at government expense. Currently, only members of the armed forces may receive full replacement coverage. This section would resolve an area of disparate treatment for civilian employees compared to military personnel.

Section 1103—Accrual of Annual Leave for Members of the Uniformed Services Performing Dual Employment

This section would amend section 5534a of title 5, United States Code, to provide that servicemembers hired by the U.S. Government for a civilian position while on terminal leave from the military would accrue annual leave in the manner specified in section 6303(a) of title 5, United States Code. Currently, a servicemember on terminal leave hired for a federal civilian position receives civil service leave and military leave at the same time. This section would limit leave accrual of such individuals to that of a military retiree.

Section 1104—Death Gratuity Authorized for Federal Employees

This section would add a new section in chapter 81 of title 10, United States Code, to provide a death gratuity of \$0.1 million to civilian employees of the U.S. Government in the case of a death resulting from wounds, injuries, or illnesses that are incurred in the performance of duty in a contingency operation. The gratuity would be payable retroactively for deaths after October 7, 2001, in the theater of operations of Operation Enduring Freedom and Operation Iraqi Freedom. During this period of time eight civilian employees of the Department of Defense have lost their lives as a direct result of their assignments to Afghanistan and Iraq. This section would provide covered civilians with a death gratuity similar to the \$0.1 million authorized for service members under section 664 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163).