United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, NOVEMBER 8, 2005 *No. 147*

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS.)

PRAYER

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

Let us pray.

O Lord our Lord, the majesty of Your Name fills the Earth. You know every heart and mind, and You always do what is right. You give us peace even when the storms come. You save us from ourselves. You bring strength to our Nation and help keep it strong. Great and marvelous are Your words.

Today, give the Members of this body the wisdom to trust You. May they seek Your guidance for their decisions and lean upon Your loving favor. As they depend upon Your spirit, help them to possess Your truth in their minds, Your love in their hearts, and Your kindness on their lips. Make certain that each step they take is sure.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. MCCONNELL. Mr. President, today, we will begin a period for the transaction of morning business for up to 1 hour. At approximately 10:45 a.m., we will resume consideration of the Department of Defense authorization bill. There are a number of pending amendments that were offered either on Friday or yesterday, and we expect to begin to schedule votes in relation to those amendments and any additional amendments that will be offered during today's session. Therefore, we expect rollcall votes throughout the day. We will complete work on the Defense bill either today or tomorrow.

This week, we will also consider any available appropriations conference reports that arrive from the House.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 1 hour, with the first half of the time under the control of the majority leader or his designee, and the second half of the time under the control of the Democratic leader or his designee.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, is the Senator from Missouri seeking time in morning business?

Mr. BOND. Yes. If my colleague wants to make a brief statement, I will be happy to yield to him.

Mr. DURBIN. I have about a 10-minute statement. I will yield to the Senator from Missouri, if he wishes, and then I will ask to go out of order and have it taken out of the Democratic time.

The PRESIDENT pro tempore. Is the Senator making a request?

Mr. DURBIN. Mr. President, I ask unanimous consent that after Senator BOND has spoken in Republican morning business, that I be recognized for up to 10 minutes and that the time be taken from the Democratic morning business period.

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

The Senator from Missouri is recognized.

IRAQ

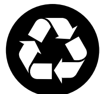
Mr. BOND. Mr. President, I rise today to address the valiant efforts of our men and women serving overseas in Iraq. Their service for our country is very close to my heart because I, like thousands of other American parents across the United States, have a son who is fighting for the cause of freedom in Iraq.

Like every American, and especially for those of us with loved ones who are fighting overseas, I have carefully considered our actions in Iraq, and I am as committed to staying the course today as I was when I voted to authorize hostile action less than 3 years ago.

Today, we see the wreckage of roadside bombs plastered across our media screens. We are constantly bombarded by a daily media barrage of every hint of bad news in Iraq. The old adage, ''If it bleeds, it leads,'' seems to be in full effect.

What about the good that is happening as a result of our efforts? I can tell you this is the greatest concern our men and women in Iraq have. They are doing good work, they are making progress, but they don't hear any of the good things that are going on. This is disheartening, as are some of the comments made by a few in the United

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



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States who say they are not doing a good job, who denigrate their efforts. We owe them better than that. I could cite for you letters I have seen written to newspapers in my State by men who have served in Iraq saying precisely this.

Has there been any progress made toward democracy this year? The Iraqis themselves answered yes, resoundingly, when last month, on October 15, an overwhelming majority of Iraqis voted peacefully to lay the foundation for their country with a national constitution. Ten days later, on October 25, the Independent Electoral Commission of Iraq announced the approval of a constitution and stated that it had found no evidence of significant voter fraud, as some had alleged.

The United Nations also participated in the referendum process and concurred with the Commission's conclusions. On the day of the vote, Sunni protests were minimal, with no violence reported. Not only did the referendum pass with 15 of 18 provinces providing a majority "yes" vote, but all governorates recorded a high voter turnout, the likes of which would put many of our voter districts in America to shame. I can tell you from personal reports that in Sunni areas, Sunnis were going out in record numbers to register. They were registering at registration places protected solely by Iraqi security forces without any violence against them.

When we look at the election results, the Kurds in Dahuk posted an 86-percent turnout, while the Shi'a in Karbala and Najaf posted a 57-percent turnout. But let's consider the Sunni areas where critics say we are making so little progress toward democracy.

Let's compare the percentage of voter turnout from last January's elections to the October referendum last month. In Anbar, voter turnout rose from 2 percent to 40 percent; in Diyala, from 33 percent to 67 percent; in Nayniwah, from 17 percent to 54 percent; and in Salahaldin, from 29 percent to 91 percent.

Only two of those governorates voted overwhelmingly against the referendum, and all of them saw record numbers of citizens exercising their voices at the polls.

This, Mr. President, is progress toward democracy. Have we forgotten that under Saddam, the Iraqi people had no vote, no opportunity to express themselves?

I am not discouraged, as the critics say we should be, that there was not near universal agreement on the referendum in Iraq. We have had a hard enough time in our own country, the world's model for democracy, in achieving overwhelming agreement on anything. And certainly this body with its recent record of activity shows that democracies often generate strong disagreements. The only time a national vote purports to show universal agreement is when the election is held under the tight control and dictation of a dictator such as Saddam Hussein.

So how do the critics explain this massive increase in voter turnout and still maintain that democracy is dead in the water in Iraq, when the people of Iraq for the first time in centuries now have a voice and a common marketplace of ideas in which to express themselves? And why isn't more attention given to the progress in Iraq for which our sons and daughters overseas are fighting?

As for the media, it is my belief that the greatest threat to our efforts in Iraq today is the enemy's ability to manipulate press coverage of the conflict in order to influence U.S. public opinion to force a premature withdrawal of our forces.

Last month, I spoke on the floor of the Senate about the acquisition of a letter written by Osama bin Laden's principal deputy, Ayman al-Zawahiri, to al-Qaida's foremost lieutenant on the ground in Iraq, Abu Mus'ab al-Zarqawi. The letter underscored that al-Qaida will not relent in pursuing its Sunni Islamo-fascist, extremist agenda, and it revealed al-Qaida views its jihad in Iraq as the focal point in its effort to establish a worldwide neofascist global caliphate. Zawahiri's recipe for creating this Sunni extremist state is in this order: evict the Americans from Iraq, create an Islamic extremist state in Iraq, swallow up Iraq's neighbors and then destroy Israel, and from there go on to bigger and better things. And how did Zawahiri advise Zarqawi to achieve these goals? By augmenting his terror campaign with political warfare and by manipulating the media. Zawahiri urged Zarqawi to tone down egregious actions, such as beheadings, because they do not play well on television screens. He approved of the violence but cautioned him to execute Americans with a bullet to the head instead. Isn't that nice of him?

The Zawahiri letter so clearly unveils the insidious nature of this clever enemy we are up against. Therefore, I urge every American with access to the Internet to read the letter. Go to the Web site www.dni.gov, and look under "News Releases." But Americans shouldn't have to go to a Web site to discover its content. It should have been dissected in painstaking detail on the nightly news or at least given a fraction of the time allotted to the critical coverage of the war.

It amazes me how there is such a blinding skepticism about anything that supports our effort in Iraq today. Last week, my staff spoke to a respected scholar in London about what he thought about the Zawahiri letter. He said it must have been a fabrication. When asked what evidence he had for that assertion, he responded: None, but it just makes Bush's case, so the letter can't be genuine.

As a member of the Senate Select Committee on Intelligence, I can tell you that we have absolutely no indication at all this letter was a fabrication. So I ask again, why isn't the media delving into this?

We ought to take a brief look at the nature of the enemy we are fighting in Iraq. I believe President Bush said it well last week during his speech in Norfolk when he called their evil form of Islamic radicalism Islamo-fascism.

We are fighting a radical ideology that has crept up over the past few decades that is taking hold in countries around the world. We see it in Palestine, in Indonesia, the Philippines and, yes, now even in Europe. For the past week, we have seen the signs of it with riots outside Paris. Rioters burned areas of the country for over a week, lashing out against the Western society in which they live. Arab experts explain the violence as an identity problem among young Arabs who see themselves first as Muslims looking for a country of their own, rather than French, English, or American citizens.

Al-Qaida preys on such youth, encourages their unjustified acts of violence, and is now telling them that their new home will be in Iraq. This is why in Iraq today we see so many foreign fighters flocking to a radical cause. An insurgent fights within his country's borders to defend it from occupation or to oust a government with which he does not agree. This is the definition of an insurgent. A terrorist is one who travels outside his country to wage politically motivated violence elsewhere.

While there remain many Sunni Baathist insurgents who would like to bring back Saddam, there is an ever growing and a proportionally lethal number of terrorists flooding into Iraq to fight what they see as the ultimate jihad, identified as their extremist neofascist interpretation of Islam.

These are the terrorists who are fueling simmering insurgencies. These are truly the Islamofascists. Iraq has become the epic battle with the West that al-Qaida has been looking for and we must win it. We cannot afford to lose. This enemy cannot be negotiated with and will never reform its ways or be deterred from its path of violence. The only option we have with such an enemy who wants to slaughter American men, women, and children is to eliminate them.

Last week former President Jimmy Carter appeared on "Larry King Live" and criticized President Bush for his policy of preemption in the war on terror. He claimed this policy was a break in U.S. national policy from all previous Presidents and administrations. Therefore, he declared our actions in Iraq radical.

It is radical precisely because we find ourselves in dire circumstances. It is a break from the past because in the past we were not facing organized, ruthless bands of terrorists with declared intentions to annihilate Americans, whose acquisition of weapons of mass destruction was a distinct possibility.

Every student of national security understands that threat equals capability plus intent. The intent of the

terrorists to annihilate us is indisputable, as is their stated intention to acquire weapons of mass destruction to do so. Their power is only limited by their current capability.

As David Kay said, in the Iraqi Survey Report which we discussed in the Intelligence Committee and has now been released, Iraq, despite our inadequate intelligence, was a far more dangerous place even than we knew because radical terrorists were running loose in an unorganized country that had the potential to produce weapons of mass destruction for them.

We must erode the capability of those terrorists for if we sit back and allow it to grow, we will face threats to the future such as we have never seen before. Long-distance runners say there comes a time in the race when their bodies yearn to succumb to the temptation to give up the fight but they must press on. That is when they remind themselves of the reasons for their struggle and when they remind themselves why they run; they find strength to press on. Only those who are resolute and full of conviction win the race. Let us hold to our conviction that democracy is better than tyranny, achieving peace is worth our struggle, and those who are counting on us in Iraq have a reason to hope.

We must maintain the course and be ready to fight neofascists and Islamofascism, wherever it exists. Right now it is Iraq, but there are other theaters as well. Southeast Asia could become one added to the list. Let us press on, for only if we do so will we one day win this long distance race. It is not a short one, but it is one we cannot afford to lose if we want to ensure that we have no more 9/11s or we at least reduce the likelihood we will have such tragedy on our shore.

I yield the floor.

The PRESIDENT pro tempore. Under the previous order, the Senator from Illinois is recognized.

Mr. DURBIN. I ask for the indulgence of the Chair to notify me when I have 3 minutes remaining on my statement.

The PRESIDENT pro tempore. Very well.

MOTION TO CLOSE SENATE SESSION

Mr. DURBIN. Mr. President, it was a week ago today when the Democratic leader in the Senate, HARRY REID, made a motion that the Senate move into closed session under rule XXI. It is a rule that is rarely used, but I was glad it was used that day because the purpose was absolutely essential for America to learn the truth about what happened before the invasion of Iraq.

Senator REID made that motion in order to make certain that the Senate Intelligence Committee keeps its word to the American people. Some 20 months ago, the Senate Intelligence Committee promised they would have a thorough professional investigation of several major elements relative to intelligence. One of the most important is whether any elected official or member of this administration in any way used intelligence or made statements that were not substantiated. In other words, were we misled, purposely or deliberately, by any elected official or member of the administration before the invasion of Iraq. It is an absolutely critical question.

I am glad the Senate Intelligence Committee made a commitment to initiate this investigation. We found, after waiting 20 months, little or nothing was happening. Fifteen months ago, the chairman of the Senate Intelligence Committee, Senator PAT ROBERTS of Kansas, called this phase II investigation a top priority. Yet, on March 11 of this year, speaking to the Woodrow Wilson Center, Senator ROBERTS said this investigation was "on the back burner."

Then a few days later on March 31, Senator ROBERTS issued a press release, after we had the report of a commission relative to this intelligence, in which he said all prewar intelligence— it would be a monumental waste of time to replow the ground.

It was very unclear whether the commitment was still there from Senator ROBERTS and the Intelligence Committee to keep their word to the American people to investigate this critical question.

Yesterday, the junior Senator from Texas came to the floor arguing, I believe, that it was unnecessary to go forward with this investigation. I think he is wrong. He argued that if we find any member of the administration misled the American people into believing a war in Iraq and an invasion were necessary, somehow this would discredit the bravery and heroism of America's troops. I cannot follow his logic.

The men and women in uniform are doing their country proud every day. They are risking their lives for America. They stand up for values that are essential, such as family, faith, and truth. Why would this Senate be reluctant to tell the American people the truth?

This is not just a test of the Intelligence Committee; this is a test of the Senate. It is a test of our constitutional responsibility, the responsibility of Congress, to protect the American people from an abuse of power by the executive or any elected official. It is a matter of the gravest importance. If an elected official deliberately or recklessly misled the American people into believing there was cause for the invasion of Iraq, that is a serious abuse of power.

We know Senator ROBERTS promised this investigation almost 2 years ago. Because of our motion to go into closed session, a bipartisan agreement was reached, and under that agreement, in 6 days, Senator ROBERTS and two of his designees will announce with three Democratic designees the schedule for completing this important investigation.

When we closed the Senate, we accomplished more in 2 hours than we had accomplished in 2 years in moving this investigation forward. When the junior Senator from Texas came to the floor and said this investigation was unnecessary because an earlier group had investigated it, he referred specifically to the Silberman-Robb Commission. What he did not put into the record should be included, and I quote from the commission:

> [W]e were not authorized to investigate how policymakers used the intelligence assessments they received from the Intelligence Community. Accordingly, while we interviewed a host of current and former policymakers during the course of our investigation, the purpose of those interviews was to learn about how the Intelligence Community reached and communicated its judgments about Iraq's weapons programs—not to review how policymakers subsequently used that information.

That is the question. That is the issue. For the Senator from Texas to say the Silberman-Robb Commission has dealt with that issue is not factual and it is not accurate, based on the words of that commission.

He went further to say that the phase I investigation of the Intelligence Committee about the failings of the intelligence agencies to understand the threat in Iraq also took care of the question before us. It did not. I served on the Intelligence Committee. We purposely divided this into two investigations: First, any failings or shortcomings of intelligence agencies; second, any misuse of this intelligence information by policymakers and elected officials. That is the responsibility we have to go forward.

It is not clear when the Senate Intelligence Committee would have finished its work had we not filed this motion to have a closed session in the Senate. Now the promise has been made not just to fellow colleagues, not just to the Congress, but to the American people. I think we need to know the truth. If a policymaker in this administration deliberately misled the American people, we should know that. If we find from the evidence it did not occur, we should also know that.

Let us pursue the truth. Let us make sure the Senate Intelligence Committee keeps its promise to the American people.

We know there are many areas of statements made by the President, by the Vice President, the Secretary of State, and the Secretary of Defense that were just plain wrong. There were no weapons of mass destruction. When it came to the aluminum tubes, there was a serious disagreement within the administration, between the CIA and the Department of Energy, as to whether those aluminum tubes were evidence of a buildup of nuclear weapons. We also know that statements by the administration about a connection between Saddam Hussein and 9/11 were false. There was no evidence to back it up. We know now about the notorious statements in the President's State of

the Union Address about whether Iraq obtained yellowcake from Niger to develop nuclear weapons turned out to be totally false and bogus.

The obvious question that has to be asked is whether this administration and its spokespersons knew ahead of time the information they were giving to the American people was not accurate. That is the essential inquiry that must take place.

The PRESIDENT pro tempore. The Senator has 3 minutes remaining.

STATUS OF AHMAD CHALABI INVESTIGATION

Mr. DURBIN. Mr. President, I note that something curious is happening in Washington today. There is a man by the name of Ahmad Chalabi, an Iraqi Deputy Prime Minister, who is visiting Washington. Yesterday in the Wall Street Journal, FBI spokesman John Miller noted that Mr. Chalabi is ''under active investigation.'' For what? He is under investigation for the charge that he leaked intelligence, including the fact that the United States had broken a crucial Iranian code and that Mr. Chalabi turned that information over to the Baghdad station chief of Iran's Ministry of Intelligence and Security.

Of course, if that happened, Mr. Chalabi endangered American troops and American security. As a result of this charge against Mr. Chalabi on May 20 of last year, his residence was searched by the Iraqis, with the cooperation of American forces in Iraq, to see if evidence could be found.

That is a serious charge that we would somehow jeopardize the security of America's troops and our national security and whether this man leaked sensitive information. The fact that he is under active investigation by the FBI is proof positive that we are taking this seriously.

So where can we find Deputy Prime Minister Ahmad Chalabi this week? Well, we will find him in Washington. He has an appointment to sit down and break bread with Treasury Secretary Snow and Secretary of State Condoleezza Rice. Then a little later this week he is going to give a speech to the American Enterprise Institute.

Does this sound like a man under active investigation or a man who is being actively lauded by this administration? I do not understand this.

While the Department of Justice is actively investigating this man for wrongdoing that could have endangered American troops and American lives, the Department of State and the Department of the Treasury are hosting him as though he were some dignitary. So do not be surprised if the Chalabi motorcade speeds up when they pass the Department of Justice. I guess they are concerned whether an FBI agent will come out and pursue this so-called active investigation.

It is very difficult to track how this man, who gave us such misleading information before the invasion of Iraq, now under active investigation for endangering American troops, is now the toast of the town at the Department of Treasury and the Department of State. I do not follow their logic, and I certainly do not follow the pursuit of justice if they do not have an active investigation concluded so that we know whether Mr. Chalabi has endangered American lives.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator's time has expired. Who yields time?

The Senator from Colorado.

A NEW DAY AND TIME IN IRAQ

Mr. ALLARD. Mr. President, we are now less than a month removed from the successful Iraqi referendum that was approved by more than 75 percent of Iraqis. This vote marked a new dawn in the Arab world, a democratically created constitution written by Iraqis and approved by the general electorate made up of Sunnis, Shiites, and Kurds. This is quite a change from the decades in which a militant dictator ruled over Iraq, with the threat of death hanging over the people for any harsh word directed toward their central government. It is truly a new day in Iraq and a new time.

Of course, some would rather ignore the strides that the Iraqi people have taken. They would rather focus on grim milestones that neither reflect the true sacrifice that has been made nor give a clear indication of how far the Iraqis have come to independence. The men and women of our Armed Forces have created an environment in Iraq that has given Iraqis a chance for democracy.

This chance is born from the blood, sweat, and tears of our servicemen and women. They deserve our gratitude and honor.

Friday marks Veterans Day and it is fitting that every year we take time to pause and reflect on those who have served in the military to protect our way of life and advance freedom around the globe. While we celebrate this year, we do so with heavy hearts knowing that there are many future war veterans who are currently serving in the theater abroad. As they have done in the past, our armed forces have taken up the challenge yet again to defend our freedoms from violent extremists to ensure that future generations of Americans can continue to prosper. Many of these war veterans have already served previous tours in Iraq, and my thoughts and prayers go out for another safe return home.

Many thousands of troops who are engaged in Iraq are Coloradoans. For example, the 10th Combat Support Hospital that left Fort Carson for Iraq in October. This medical unit is being deployed not only to treat our injured servicemen and women, but also any civilian that is brought in to their trauma unit regardless of affiliation. I want to take a minute to pause and reflect on that. Our trained medical doctors and technicians will be using their skills to save the lives of not only Coalition Forces, but anyone who is brought in—including insurgents. They might be saving the very lives of those that would do great harm to our soldiers. These are the types of actions that show what kind of men and women serve in the armed forces. These are the types of actions that show what freedom and democracy can bring to a region long devoid of it.

The individuals in our armed forces continue to shine throughout the country with remarkable levels of service. Individuals like Col. James West of Palisade, CO. Colonel West recently received a Bronze Star after distinguishing himself during two consecutive tours of duty in Iraq. He served as a Senior Program Manager in the Project and Contracting Office in Baghdad, Iraq from December 2004 to September of this year. Because of the critical nature of his position and the need to maintain the lines of communication and trust he developed with the Iraqi Oil Ministry and the primary Iraqi owned operating companies, Colonel West volunteered himself for two consecutive tours of duty.

During this time, his leadership in the field provided the foundation necessary to achieve the goal of rebuilding the Iraqi Oil production capacity to pre-war levels. The Department of Defense and the Air Force believe that his professionalism and devotion to duty merit special recognition. I honor him for his service to our country and congratulate him on his well-deserved Bronze Star.

More than just being engaged in fighting the radical insurgents who have polluted the country, our men and women like Colonel West are risking their lives to reach out to the Iraqi people to show them the heart that is behind the uniform. From the Army engineers throughout the country helping to rebuild the infrastructure, to ordinance disposal units helping to cleanse farmland from explosives left from decades of neglect, our troops continue to make a positive difference in the lives of Iraqis.

It is important to put our military's efforts into the proper perspective. The enormous progress that has been made in Iraq is the real story.

It was only 2½ years ago that the Hussein regime was in power terrorizing large portions of the Iraqi population. And now just 9 months after they elected their own leaders for the first time, the Iraqi people have approved a historical referendum by an overwhelming majority. These are the milestones we should be celebrating—the ones that could only be achieved through the sacrifices of our soldiers, sailors, airmen, and marines.

This Friday marks Veterans Day. Let us not forget our future war veterans who are gallantly serving the cause of freedom abroad. And let us remember those who have made the ultimate sacrifice to help bring democracy to Iraq.

I yield the floor.

Mr. ENSIGN. Mr. President, I rise to speak on the progress America is making in the global war on terrorism and in particular on the progress being made in Iraq.

Recently we passed a solemn benchmark. Two thousand of our servicemen and women have paid the ultimate price in defense of freedom. A vocal minority contend that these casualties were in vain. They claim we are in Iraq for all the wrong reasons. Further, they say that since there have been no weapons of mass destruction uncovered in Iraq that the administration obviously lied to get Americans behind the initial war effort. I think it is important that we take a few minutes to recall the world in which we lived prior to taking military action against Saddam Hussein in 2003.

The previous administration was quite clear in their belief that Iraq possessed weapons of mass destruction. Then-President Clinton said:

> Saddam rejects peace and we have to use force, our purpose is clear. We want to seriously diminish the threat posed by Iraq's weapons of mass destruction program.

Clinton's National Security Advisor, Sandy Berger, said of Hussein:

> He will use those weapons of mass destruction again, as he has ten times since 1993.

Even after he left office, Al Gore stated:

> We know that [Hussein] has stored secret supplies of biological and chemical weapons throughout the country.

Madeline Albright said:

> The risks that the leaders of a rogue state will use nuclear, chemical or biological weapons against us or our allies is the greatest security threat we face.

Let us all remember, Iraq had been in blatant violation of 17 separate United Nations resolutions dating back to the first Persian Gulf War—resolutions which required Iraq to reveal prohibited WMD and missile programs to U.N. inspectors. American and British warplanes were continually fired upon while enforcing U.N.-mandated ''no fly zones'' in Iraq.

In 1993, terrorists detonated a bomb in the garage of the World Trade Center in an attempt to topple this symbol of capitalism.

In 1996, the Khobar Towers in Saudi Arabia, housing an Air Force Fighter Wing, were attacked by terrorists. Nineteen U.S. servicemembers lost their lives. Hundreds were wounded.

In 1998, the U.S. Embassies in Tanzania and Kenya were bombed by terrorists. Hundreds lost their lives.

In October of 2000, the USS *Cole* was attacked by terrorists while refueling in Yemen. Seventeen sailors lost their lives. Many more were injured. And, of course, we all remember the day the Pentagon was attacked and the World Trade Center was leveled by terrorists crashing commercial airliners into both structures on 9/11, resulting in more than 3,000 of our fellow citizens being killed and America finally waking up to the reality that is terrorism.

The terrorists had no reason to believe that we would respond to 9/11 because we had not responded in the past. At that time, every country in the free world believed that Iraq possessed weapons of mass destruction. Saddam Hussein did nothing to dispel those beliefs. He had actually used chemical weapons on Iranians and on his own citizens.

President Bush could not risk America's future on the hope that a dictator like Hussein, with a track record that included grotesque human rights abuses, aggression against his neighbors, and the harboring and funding of terrorists, could be reformed or indefinitely contained.

In fact, the Senate chose not to risk America's future either. This body voted 77–23 in favor of the resolution allowing President Bush to use force in Iraq. Those voting in the affirmative included the then-Democratic Leader of the Senate, the ranking member of the Foreign Relations Committee, the ranking member of the Intelligence Committee and the Democratic nominee for President in the 2004 election.

I have a few quotes I would like to read.

Senator JAY ROCKEFELLER, CONGRESSIONAL RECORD, October 2002:

> There is unmistakable evidence that Saddam Hussein is working aggressively to develop nuclear weapons and will likely have nuclear weapons within the next five years . . . We also should remember we have always underestimated the progress Saddam has made in development of weapons of mass destruction.

He obviously had access to the intelligence that the President had.

Senator JOHN KERRY, CONGRESSIONAL RECORD, October 2002:

> When I vote to give the President of the United States the authority to use force, if necessary, to disarm Saddam Hussein [it is] because I believe that a deadly arsenal of weapons of mass destruction in his hands is a real and grave threat to our security. . . .

Senator HILLARY CLINTON, CONGRESSIONAL RECORD, October 2002:

> In the four years since the inspectors left, intelligence reports show that Saddam Hussein has worked to rebuild his chemical and biological weapons stock, his missile delivery capability, and his nuclear program. He has also given aid, comfort, and sanctuary to terrorists, including al-Qaeda members . . . It is clear, however, that if left unchecked, Saddam Hussein will continue to increase his capacity to wage biological and chemical warfare, and will keep trying to develop nuclear weapons.

Senator CARL LEVIN, Senate Armed Services Committee Hearing, September 2002:

> We begin with the common belief that Saddam Hussein is a tyrant and a threat to the peace and stability of the region. He has ignored the mandate of the United Nations and is building weapons of mass destruction and the means of delivering them.

I could go on. We have lots of quotes, but let's stop for now.

On March 19, 2003, 2 days after our President's televised ultimatum, a 35-nation coalition launched operations to disarm Iraq.

In a matter of weeks, Hussein's decades-old regime had been removed, liberating 25 million Iraqis from one of the world's most brutal tyrannies.

That was 2½ years ago. Now, because things aren't quite as antiseptic as some would like, there are calls for American troop withdrawal. Again, I think it is important for us to review just how far we've come over the last 2½ years.

As far as security is concerned, the initial 35-nation coalition that liberated Iraq has increased to include 72 countries.

Iraqi Security Forces are continuing to take a more prominent role in defending their country. One hundred sixteen Iraqi battalions are currently conducting military operations. That's 22 more battalions on line than there were just 3 months ago.

As President Bush has stated numerous times:

> Our task is to make the Iraqi units fully capable and independent. We're building up Iraqi security forces as quickly as possible, so they can assume the lead in defeating the terrorists and insurgents. Our strategy can be summed up this way: As the Iraqis stand up, we will stand down.

Our assistance to the people of Iraq is not limited to the military. There have been infrastructure improvements as well, including almost 3,500 schools.

Also, there were no commercial TV stations in Iraq before the war; today there are 44.

There were no independent newspapers or magazines in Iraq before the war. Today there are more than 100.

In January of this year, 8 million Iraqi citizens, in the face of violent threats, voted to establish a parliament. Last month, the Iraqis again returned to the polls in large numbers, and almost 10 million this time—more than 60 percent of the registered voters—voted to approve their constitution. This coming December, they will return to the polls to elect a fully constitutional government.

Because of America's leadership, compassion, and sacrifice, the world has witnessed the end of Saddam Hussein's regime and the beginnings of an energetic democracy in Iraq. This fledgling democracy has the ability to transform a region that has been a breeding ground for terrorists.

The world is a safer place because Qadhafi saw the fate of Saddam Hussein and decided Libya was better off with its weapons of mass destruction program under lock and key.

We are safer because the AQ Kahn network has been shut down and is no longer supplying materiel support to Iran and North Korea's nuclear efforts.

We are safer because terrorists and the countries that harbor them know if they threaten the United States, they could be the next ones to feel the force of the U.S. military.

Our word means something now because the President laid a marker down in the sand and stood behind that marker when it was time—when Saddam Hussein did not come forward and

agree to the resolutions that the United Nations had passed.

I believe the more than 2,000 members of our military who have died in service for our Nation in Iraq—and others will surely follow them—have made our country safer.

I believe history will show in the fullness of time that America was involved in a noble effort that transformed a region and indeed the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. First of all, I want to associate myself entirely with the remarks of the Senator from Nevada. I wanted to rise for the same purpose—to talk for a minute about our men and women in Iraq, the successes that have taken place there, and how proud I am of it.

But I can't help but, at the outset of my remarks, for a second, respond to the remarks of the Senator from Illinois a few minutes ago. I had a flashback as I listened to that speech—a flashback to my generation's war in the 1960s in Vietnam, a flashback that reminded me of what happened when American politicians began to slowly but surely question America's intentions in a war while our people were deployed, which slowly resulted in the end of withdrawal of a military that never quite had the support anymore that it deserved while in harm's way.

I would like for a moment to talk about what we do know. We have had lots of questions raised about what we don't know, what we should have done, what somebody may or may not have done. Let us talk for a second about what we do know.

Senator ENSIGN has done a great job talking about what we knew leading up to going into Iraq. I would like to remind us of a few other things.

We know that war was declared on America in the 1990s by Osama bin Laden, and we were attacked seven times without responding. It was finally with the attack on the World Trade Center and the Pentagon that this President changed America's policy to one of preemption, committed himself to going after terrorism wherever it existed, and doing everything we could to liberate the world from the tyranny of terrorism.

We must remember that today we are not in a war like past wars. We are in the ultimate war between good and evil. The terrorists don't want to beat us, they want us to lose our resolve so they can rule the world through intimidation. Terrorists don't want what America has. They do not want America to have what it has: the first amendment, freedom of speech, the right to worship as we see fit, the right to bear arms—all the things that stand in the way of the tyranny they would like to employ around the world, and have employed in a couple of places very successfully, in Afghanistan that we liberated and now in the nation of Iraq.

There are those who would have you believe, by their speeches, that we are fighting the Iraqi people. We are fighting terrorism in Iraq. This war is about Iraq, the United States of America, our soldiers, the future of our generation, and our way of life as we have known it.

I commend and respect anyone who would raise a question or a doubt and seek an answer. But we must not forget that the truths that we know are compelling, that we are fighting the right war in the right place at the right time for the right reason.

For those who say we never found a weapon of mass destruction, I would submit to you that Saddam Hussein himself was a weapon of mass destruction. In 1990, when he went into Kuwait and we went in and liberated, it was Saddam Hussein who rained missiles upon Israel that wasn't even in the fight. It is Saddam Hussein who gassed his own Kurds. It is Saddam Hussein who systematically ordered the deaths of tens of thousands of Iraqi people and buried them in mass graves.

It is no coincidence that al-Qaida operates today as the head of the insurgency that fights our troops in Iraq because this is their war—their war against what America stands for, and what the future of the world can be if we are successful. We have some tough days ahead, but we must stay the course.

In one year, we have caused the Iraqi people to have an interim resolution, to draft a constitution, ratified, and to seek a permanent election to elect permanent representatives, something that would have been unthinkable just 2 or 3 years ago.

But we did it because of the resolve of these men—the American soldiers and the Iraqi soldiers fighting shoulder to shoulder with them today in the final stages in Iraq.

Yes, we have battles to fight. Yes, there will be more terrorist attacks. And, yes, there will be tragic losses that all of us grieve. But we cannot, as a nation, lose our resolve, or have politicians quibble on the edges while our men and women are standing in harm's way.

I commend our troops and our soldiers. I commend our country. I commend our citizens to look to the future and appreciate that everything we enjoy and have today is because of those who have sacrificed in the field of battle, those who have led in this Congress and in this Nation's Government in the past to defeat dictators and tyranny wherever it existed.

We are in the ultimate battle between good and evil. Compromise and quitting is unacceptable. Seeing it through to its course is essential for our men and women in harm's way and for the children of the United States of America and the children of the world because, you see, unlike history under Saddam Hussein in Iraq, the children of Iraq now understand that there is a future, that there is the potential for a bright future, and success and good times with no fear. They do so because this brave Nation, when attacked by the tyranny and the evil of terrorism, decided it would follow it wherever it took us and we would preempt it so it could not stand and it could not exist.

On behalf of our men and women in harm's way, the children they protect, the dreams and aspirations of Americans for a bright future, as bright as our past, I commend our men and women in harm's way. I stay the course as a Member of this Senate to support them in the war on terrorism, and I ask all of us to be careful when we raise questions that must be raised to never raise them in such a way that would compromise this effort or compromise the commitment and dedication of these brave men and women.

I yield the floor. 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. INHOFE. 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. INHOFE. Mr. President, what is the pending order?

The PRESIDING OFFICER. The Senate is in a period of morning business. All time held by the majority has expired. The time remaining on the minority side is approximately 9 minutes.

Mr. INHOFE. Mr. President, I ask unanimous consent I be allowed to present a second-degree amendment to the Harkin amendment number 2438 for the purpose of debate only.

The PRESIDING OFFICER (Mr. ENSIGN). Is there objection?

The Senator from Virginia.

Mr. WARNER. Mr. President, this is a little bit of a complex situation. We are anxious to get started on the bill. We want to honor the 9 minutes on the other side of the aisle. I am wondering if the Senator from Oklahoma could proceed as in morning business until such time as there is recognition sought on the other side to utilize the remaining 9 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would be happy to accommodate that. However, our time has expired so it would take unanimous consent. I ask unanimous consent to speak as in morning business.

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

The Senator from Oklahoma is recognized as in morning business.

Mr. INHOFE. Thank you, Mr. President.

ARMED FORCES RADIO

Mr. INHOFE. Mr. President, we have heard some discussions, some debate by the Senator from Iowa, Mr. HARKIN, on his amendment No. 2438. I oppose this

amendment, and I have prepared and have filed a second-degree amendment that I will offer after all time by Senator HARKIN has expired.

I guess I would ask the question as to why should the Senate mandate what programming our troops can listen to or deny their opportunity to choose. Currently, under this system, our troops communicate with their local radio stations by offering feedback that shapes the local programming.

Simply put, if the troops do not like what they are hearing, they call the radio station and ask that the programing be changed. It seems to be fair to me. It is called the market. If there is no market for it, why should we be doing it?

Now, as Senator HARKIN himself has stated, fair and balanced programming options are offered to all 33 radio stations worldwide. It is the individual radio stations that establish the programming based on its audience's preferences. The stations decide what programming is in the greatest demand.

Worldwide, the second-largest audience request is to play all 3 hours of Rush Limbaugh. Only 1 hour is currently made available through the AFRTS. However, some stations choose not to carry his program at all, even for the 1 hour of availability. That is their choice to make based on the troop feedback.

You might say at this point, if the troop feedback is that they want all 3 hours, and some stations do not play any, and the most that any stations play is 1 hour, then if any change should be made in terms of complying with the market, it should be that.

Now, Senator HARKIN and his charts would have you believe the only program on the radio is Rush Limbaugh. But what about the 24 hours of National Public Radio or DOD's commitment to begin airing liberal talk shows by Al Franken and Ed Schultz? Furthermore, Rush Limbaugh currently represents only 3 percent of the weekly scheduled programming. That is 3 percent. I don't know why they are so worried about 3 percent.

Now, the liberal talk radio—this is important as to having a benchmark of 1 million listeners. It is important to know there is a reason why they choose programming. One is, they do not choose any at all unless it has 1 million listeners.

Let's put that chart up. It is kind of hard to read, but I will explain it in a minute. Prior to this fall, no liberal talk shows had over 1 million listeners. Rush Limbaugh has approximately 15 million listeners weekly. AFRTS's policy is to ''provide a cross-section of popular programming.'' To this point, there have been no significant audience demands to rationalize adding progressive programming or liberal programming.

For the record, Limbaugh was added to the programming menu after troop listener demand had been heavy and sustained for many years. At the time, Limbaugh's audience had grown so large that failure to include his show would have violated AFRTS's policy of providing a slice of domestic talk radio.

There is no truth to the minority's assertion that liberal talk radio has been kept off of AFRTS for political purposes. That is a pure fabrication. The truth is, as this chart shows, the minimal market demand that exists for liberal talk shows did not meet the listenership requirement for programs to be played on AFRTS.

The AFRTS standard is a ''national syndication and one million listeners per week.'' It has to be a nationally syndicated program, and it has to have a million listeners per week. That goes for all programming, as this chart clearly shows.

Now, two liberal talk shows have achieved 1 million listeners in 2005. If we look at this carefully, we will see that in 2004 there were no liberal talk shows on AFRTS because none of them had an audience of 1 million listeners. There is a change between 2004 and 2005 and that is Ed Schultz and Al Franken both were able to get a million listeners. Therefore, we changed the programming. We are responding to the demand out there. If there are a million people who want to listen to them, we will give our troops a chance to do the same thing.

As it turns out, right now, the AFRTS stations will have access to the two top conservative and the two top liberal shows. The conservative ones are Rush Limbaugh and Sean Hannity. And the liberal ones are Al Franken and Ed Schultz.

Still, Senator HARKIN is not satisfied. Senator HARKIN claims conservatives are propagandizing AFRTS's programming. Well, I only ask, which sounds more like propaganda, programming which is freely chosen by listening troops or programming mandated by the Government? Furthermore, if there are significant numbers of letters from troops decrying the current AFRTS programs, I know my office has not received one.

In my travels visiting troops, I have not heard of one. In fact, I know I have been, by count, to Iraq, into those areas where we have our troops stationed, more times than any other member of the Senate Armed Services Committee. When I am over there, I have yet to have one person come up to me or have one letter in our office saying they are dissatisfied with the programming and that they demand more liberal programs.

All I see here are Senators trying to subsidize liberal talk radio because they do not have anyone to compete with popular conservative radio talk shows.

Now, the amendment also calls for an ombudsman, as if the amendment is not bad enough in trying to dictate what our troops should listen to against their will. The Harkin amendment would establish an ombudsman of the American Forces Network who would be appointed by the Secretary of Defense.

The amendment is based on the premise that the programming decisions of the American Forces Radio and Television Service have improperly excluded liberal political radio programming and would give the ombudsman the duty of identifying circumstances under which the AFN ''has not adhered to the standards and practices of the Network in its programming, including circumstances in which the programming of the Network lacked integrity, fairness, or balance.'' I am quoting now from his legislation. The ombudsman would be required to submit an annual report.

Now, what this ombudsman provision does is it allows Members of Congress the opportunity to obstruct an already fair and functioning process by getting in between the troops and what they choose to listen to. Listed as one of the ombudsman's duties in this amendment is to initiate and conduct, upon the request of Congress, reviews of the programming of the network, AFRTS.

The creation of an ombudsman is another example of wasteful Government redundancy. But, moreover, the creation of this post would empower Members of the Senate to choose what entertainment our troops listen to. This is an attempt by the minority to impose unpopular message-driven content on AFRTS to a captive audience. The requirement for a report, et cetera, is to intimidate the 33 stations that are trying to serve our service men and women into serving special interests in Congress.

We do not need a political officer to make sure our troops get the daily dose of a certain media personality. Today, these decisions are based on the input from the servicemember and their ratings by the American people. Our troops deserve the right to choose what they listen to on the radio. What they do not deserve is their Senators taking away the right. Who are we to do this? How arrogant it is we are putting ourselves in a position where we claim to know more than the troops as to what is in their best interests. I do not believe that should be the case.

Finally, preserving the programming integrity of AFRTS must be paramount. There is another reason totally unrelated to what we talked about so far. AFRTS is a vital link between military command and troops and their families throughout the world. What we are saying is, if we have commanders in the field who are trying to communicate messages to our troops—they currently can do this. And they can do this under the Harkin amendment. However, there would be much fewer people listening in the market by adjusting the market, and these messages would not get out.

Important messages are broadcast on this network, and if the programming becomes a political football and is no longer based on what the troops want

but what Congress wants, then listenership would certainly dwindle. Maintaining popular programming ensures that AFRTS remains a reliable communications link to our troops in the field. We cannot afford to play politics with such an important asset.

Now, I have a second-degree amendment, and I will be offering this at the expiration of the time of the Senator from Iowa. The second-degree amendment to the Harkin amendment describes how programs are selected for the American Forces Network, including reliance on ratings and popularity, as demonstrated by the numbers of listeners, and notes that reliance is placed on 33 local programming managers at military communities around the globe.

It would express the sense of the Senate that:

(1) the men and women of the American Forces Radio and Television Service and the Armed Forces Network should be commended for providing a vital service to the military community worldwide; and

(2) the programming mission, themes, and practices of the Department of Defense with respect to its television and radio programming have fairly and responsively fulfilled their mission of providing ''a touch of home'' to members of the Armed Services and their families around the world and have contributed immeasurably to high morale and quality of life in the Armed Forces.

Finally, the language in my second-degree amendment provides that the Secretary of Defense may—may; it does not say he has to, that he must have an ombudsman but he may appoint an ombudsman at AFRTS to serve as—this is the way we have it in the second-degree amendment—''an intermediary between the staff of the American Forces Network and the Department of Defense, military commanders, and listeners to the programming of the American Forces Network.'' You will find that this conforms to the description used to define the ombudsman at Stars and Stripes, our military print media. It is very similar to Stars and Stripes.

I find, when I am making my trips over there, they will tell me they have two ways of communicating with the outside world other than their communications with their family; one is through Stars and Stripes, and one is through the radio programming on these 33 stations.

Now, I would want to, at the appropriate time, go ahead and offer this amendment. It is my understanding the Senator from Iowa will be returning momentarily. But for a minute, I might say to the distinguished chairman, let me give an observation.

The other day I was in the elevator coming up to the floor to cast a vote. I was with two of our Democratic colleagues whom I respect very much, two very liberal Democratic Senators. They were complaining about the fact that all the talk shows are conservative and they don't have successful liberal talk shows. And they said—these were their words in the elevator—there ought to be a legislative fix to this. I said: What you guys don't understand is, this is market driven, and there is no market for your liberal trite. And for that reason, it is much more of the conservative talk shows. It is called the market, and that is what makes America work.

I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to be supportive of this amendment of my colleague from Oklahoma. But at the same time, I do believe the amendment by Senator HARKIN is deserving of consideration. I say to my colleague, my concern, is—and I wish to have the record reflect this—is it your understanding, having carefully examined how this is done by the Armed Forces Network, that in no way are they directly or indirectly trying to impose any censorship?

Mr. INHOFE. No.

Mr. WARNER. That we simply cannot have.

Mr. INHOFE. No, we cannot have—well, actually, the Harkin amendment would impose a censorship to a degree; that is, it would change the criteria that, No. 1, it has to be a syndicated network, and, No. 2, it has to have 1 million listeners.

We have shown clearly that they have lived up to that. When the two liberal talk shows, Ed Schultz and Al Franken, reached a million, they started including them. They are including them just as they are the conservative talk shows. If you impose upon them that you are going to have somebody out there watching and making sure that Congress tells them what is best for them, yes, that does impose a restriction on what our troops in the field are able to hear.

Mr. WARNER. I say to the distinguished Senator, let me read section 2 of his proposed amendment: The American Forces Radio and Television American Forces Network provide a ''touch of home'' to members of the armed forces, civilian employees of the Department of Defense and their families stationed in bases, embassies, and consulates in more than 179 countries, as well as the Navy, Coast Guard, and Military Sealift Command ships at sea.

So it reaches an entire family, and it is a very important function. This Senator wants to make sure that audience, irrespective of whether they are conservatives or liberals, whatever the case may be—I am not sure that is the right criteria we should be using—does get a touch of home, which is a very wonderful expression that you have included here, by providing the same type—reading on—and quality of radio and television programming, including news, information, sports, and entertainment, that would be available in the continental United States.

To me, if you impose a certain market criteria, even though they may not hit a certain number of listeners, you are not getting the full spectrum that this amendment calls for. In other words, I would prefer to have just this amendment that you have here be the decision by the Senate and then leave it up to the 33 stations to ensure that is done. Maybe we shouldn't condone a marketing policy that just cuts off a whole lot of programs at the bottom because they don't have enough listeners.

Mr. INHOFE. I respond to the distinguished chairman of the committee that I am prepared to have it market driven.

Mr. WARNER. You would prefer what.

Mr. INHOFE. To have it purely market driven so that these kids who are out there, our troops risking their lives, would be able to determine what they wanted to listen to rather than having something imposed upon them. Ideally that is what I would prefer in a second-degree amendment. But in trying to accommodate a system that has worked pretty well, that criteria is acceptable to me. Let's don't talk about liberal and conservative. Let's talk about just programming. Forget about what is liberal and what is conservative. If a concept is popular enough that it has 1 million listeners, then that should qualify for consideration for our troops to listen to. That is my point.

Mr. WARNER. Well, I don't see anything in the language you use here because you are very explicit. By providing the same type and quality of radio and television programming, including news, information, sports, and entertainment, that would be available in the continental United States—that is what we should follow.

Mr. INHOFE. I agree.

Mr. WARNER. I don't know that we condone a marketing tool by which a certain category—and it so happens that category perhaps has the preponderance of things which people would consider liberal. I am not sure we can escape totally the use of that word. It is better that we let the 33 stations themselves decide what it is.

If a program hasn't hit a million, well, there may be some audience within the family of people you discuss here, all of the various listeners and families and embassies and consulates, maybe they would like to hear something even though it hasn't hit the 1 million mark.

Mr. INHOFE. I would respond to the Senator from Virginia that the only reason I used these two charts, the accusation was made that there somehow is a mechanism here that would exclude that more liberal philosophy in terms of programming. This demonstrates clearly that it doesn't because once they have reached that criteria, they are able to be heard.

Mr. WARNER. It is that operative phrase of ''reach that criteria.'' It seems that reaching that criteria has the effect of excluding a lot of programming, albeit they don't have quite the audience that others do, but nevertheless, there may be some individuals

within this family that is set forth in the amendment that would like to hear it.

Mr. INHOFE. I think that is right. I believe that is the case. The 33 stations have program directors. Their goal is to maximize their audience. If they hear that something is in demand that might not be consistent with what is in demand throughout the United States, I can assure you, under the current system, they will have that program.

Mr. WARNER. That assurance to me is important. So what you are saying is it would not be any indirect censorship of any particular philosophical category of programming under your proposal?

Mr. INHOFE. That is exactly right.

Mr. WARNER. So your proposal does not bind them to this market criteria.

Mr. INHOFE. That is correct.

Mr. WARNER. I find that helpful. I think you have dispelled any thought that this amendment would impose any censorship.

Mr. INHOFE. Yes.

Mr. WARNER. And the variety of news services—again, there are obviously certain news services that have a proclivity to go to a more conservative side and some to the liberal side, but again, are news services given an equal opportunity to be heard?

Mr. INHOFE. Yes, they are.

Mr. WARNER. For example, I happen to like NPR, and I like to hear FOX News. I like to have the juxtaposition of the different viewpoints.

Mr. INHOFE. In my statement, I commented that it is a very disordinate amount that has been historically given to NPR in terms of listening audience because they have that on for 24 hours. So certainly that is already there, and that is more than the market would justify if we were going by the justification that the market dictates.

Mr. WARNER. Mr. President, if I might ask the Senator one last question. He makes reference to the ombudsman. How does your coverage of the subject of an ombudsman differ from the amendment offered by the Senator from Iowa?

Mr. INHOFE. It merely makes it optional. If the Secretary of Defense wants to pursue the ombudsman as a practice, then he may do it. It doesn't say he shall. It says he may. It is not mandated. It is just optional at the discretion of the Secretary of Defense.

Mr. WARNER. Fine. So that clarifies the sole technical distinction, which is an important one, between your second degree and the underlying first degree. Therefore, it is up to the Secretary, but once an ombudsman is selected, assuming the Secretary opts to do so, in no way is that individual chartered or directed to do his work or her work different than what the Senator from Iowa desires?

Mr. INHOFE. That is correct. The only difference is, it is optional.

Mr. WARNER. I think that is important. So could that ombudsman be among the existing people in the Department of Defense, have it as an additional duty, or should that person be brought in from the outside and have the sole responsibility of ombudsman work?

Mr. INHOFE. It is my understanding that under the underlying amendment by the Senator from Iowa, it is very prescribed as to how this person is going to be chosen. In my amendment, it leaves it up to the discretion of the Secretary of Defense. It could be someone who is already existing within that Department or another department.

Mr. WARNER. Mr. President, I think that is an important flexibility. I am certain that within the Department, there is an individual or an individual with objectivity and a background that could perform this work.

Mr. INHOFE. That is correct.

Mr. WARNER. I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The minority has 9 minutes remaining in morning business.

The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to be recognized as in morning business.

The PRESIDING OFFICER. The Senate is in morning business, and the minority has 8½ minutes remaining.

OIL COMPANY WINDFALL PROFIT TAX OFFSET

Mr. REED. Mr. President, recently Senator COLLINS and I introduced an amendment to the proposed budget reconciliation bill to fund a $2.9 billion increase in the Low-Income Home Energy Assistance Program by placing a temporary 1-year windfall profit tax on big oil companies. I filed this amendment to the budget reconciliation bill to begin the dialog, and I intend to call for a vote on my amendment when the Senate debates the tax reconciliation bill in the next few days.

Last week, oil companies reported record profits for the third quarter on surging oil prices. Chevron posted profits of $3.6 billion. BP's profits rose to $6.5 billion. Royal Dutch/Shell profits grew to $9 billion. And ExxonMobil profits gushed up 75 percent to nearly $10 billion. According to BusinessWeek, that equals $150 million in profit for every working day in the past 3 months.

This year has been an exceptionally lucrative one for the oil industry and an exceptionally impoverishing one for American families and seniors. Profits going to big oil are money coming out of wallets of working families and seniors and wealth draining out of our communities.

Fully funding LIHEAP is a vital imperative. I believe the big oil companies should help shoulder the cost. Rising energy prices could financially wipe out working-class families and seniors this winter. Americans are experiencing extraordinarily high runups in energy prices that jeopardize the ability of many families to keep their homes warm during this coming winter season. Energy costs to the average family using heating oil are estimated to hit $1,500 this winter, an increase of almost $325 over last winter's heating season. For families using natural gas, prices could hit $1,000, an increase of $300.

For a family using propane, prices are projected to hit $1,300, an increase of $230. For families living in poverty, energy bills are now over 20 percent of their income, compared to 5 percent for other households. People who are living in poverty, many of whom are working, are paying 20 percent of their income for heating bills. That is compared to 5 percent for the rest of America's families.

Let me tell you what this amendment means. If we are successful, it would add $2.9 billion to the LIHEAP program to bring total funding to $5.1 billion this winter. With $5.1 billion, the National Energy Assistance Directors Association estimates that LIHEAP could serve 12 million families this year. This is double the number of families served last year but still only one-third of those eligible. Even with this increased funding, we would not reach all the families who qualify, but we would reach those families who are most in need, particularly in this very difficult winter heating season.

States could also increase the level of benefits to help these rising costs, in addition to enrolling more personnel in the program.

This amendment means that seniors will not have to choose between buying lifesaving medication and paying their natural gas bills. Working families will not have to decide between putting food on the table or putting heating oil in their tanks. And what is the cost of this amendment to big oil? It is about 10 percent of their profits from one quarter of 1 year, or in the case of ExxonMobil my amendment would represent just one-third of their profits for one quarter. This is a small price to pay to keep American families safe and warm this winter.

Two weeks ago, I wrote an open letter to the oil industry asking that they act as good corporate citizens and take this step voluntarily. I was pleased to hear that Senator GRASSLEY, the distinguished chairman of the Finance Committee, reiterated my plea recently, and I hope that we will be able to work together on this effort. I also hope that Senator GREGG, the distinguished chairman of the Budget Committee, will join Senator COLLINS and me in our efforts to increase LIHEAP funding through this temporary windfall profits tax. I also hope the administration will join our bipartisan effort to help American families. Unfortunately, to date, the administration only appears able to say no to American families and seniors and yes to the oil industry.

Last month, Secretary Bodman said no, the administration would not seek

additional funding for LIHEAP this winter. The supplemental appropriations request the administration sent to Congress last week did not include funding.

Recently, Secretary Bodman, answering questions on whether the administration would support oil companies voluntarily donating profits to LIHEAP, said, ''No, sir. I wouldn't support it. It is similar to a tax.''

In 1980, Congress enacted the Crude Oil Windfall Profits Tax Act. This legislation established LIHEAP. Twenty-five years later, with energy prices overwhelming workers' salaries and seniors' Social Security checks, it is time for Congress again to take action and tax windfall profits to aid in energy assistance.

I also want to mention it is my intention that when we consider the tax reconciliation bill this month, I will offer an amendment to provide a tax credit to working American families to help them pay for their energy bills this winter. Our Nation's priorities must be to help these families, and I hope working together with my colleagues we can provide that help and assistance.

Mr. President, I inquire how much time is remaining in morning business on the Democratic side?

The PRESIDING OFFICER. Two minutes.

Mr. REED. I yield the remainder of the time to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, is that the extent of the time?

The PRESIDING OFFICER. That is correct.

Mr. REED. In morning business.

Mr. WARNER. Mr. President, if I may clarify what the situation is, 2 minutes in morning business is left, and that is being allocated to the Senator from Massachusetts, fine, no problem there. But as I understand, the Senator from Massachusetts also wishes to address the Levin amendment; am I correct?

Mr. KENNEDY. That is correct.

Mr. WARNER. At which time is the expiration of the 2 minutes. Then the time is charged to the Levin amendment; is that correct?

The PRESIDING OFFICER. At the conclusion of morning business, the Senate will proceed to consideration of S. 1042, and the Senator then may seek recognition.

Mr. WARNER. I hate to interrupt the Senator from Massachusetts, but if you have to do it, you have to do it.

Mr. KENNEDY. Mr. President, I intend to speak probably 7 minutes. I will use the 2 minutes now and request time on the Levin amendment.

AMENDMENT NO. 2430

Mr. KENNEDY. Mr. President, a year and a half ago, Americans were stunned by the revolting images of men and women wearing the uniform of our Nation torturing and abusing prisoners at Abu Ghraib.

At the time, we had hoped those photos pictured an isolated instance, but we have learned since that our own leaders at the highest levels of our Government, in the White House, in the Pentagon, and in the Central Intelligence Agency, have allowed a wide pattern of abuse to occur. Abu Ghraib, it seems, was only the tip of the iceberg.

American officials abused prisoners in Iraq, Afghanistan, and Guantanamo, and now we learn the CIA maintains secret prisoners in Eastern Europe where Vice President CHENEY arrogantly and unapologetically hopes to permit torture as a permanent part of American policy.

These actions deeply offend American honor and ideals. They invite retribution on our own troops by those who treat them as we treat their prisoners, and they harm America's image around the world and make the war on terror that much harder to win.

These abuses should not be swept under the rug and forgotten. The American people deserve to know what their government is doing. Those who have violated our norms and values under the color of the American flag should be held accountable.

That is why I strongly support the Levin amendment to create a commission with responsibility for learning the truth. Its findings not only would bring much needed accountability of those responsible for these abuses but also would guide our handling of the detention and interrogation of detainees in the future.

From what we have learned to date, it is clear that our political leaders made deliberate decisions to throw out the well-established legal framework that has long made America the gold standard for human rights throughout the world. The Administration left our soldiers, case officers, and intelligence agents in a fog of ambiguity. They were told to ''take the gloves off'' without knowing what the limits were. Top officials in the Administration endorsed and defended practices that we've condemned in other countries. And the consequences were foreseeable.

In rewriting our human rights laws, the Administration consistently overruled the objections of experienced military personnel and those who represent American interests abroad. As Secretary of State Colin Powell warned the White House, ''it will reverse over a century of US policy and practice in supporting the Geneva Conventions and undermine the protections of the law of war for our troops.'' Senior Defense officials were warned that changing the rules would lead to so-called ''force drift,'' and without clearer guidance, the level of force applied to an uncooperative detainee might well result in torture.

But these wise words fell on deaf ears. Officials at the highest levels of the administration somehow viewed the rule as inconvenient and quaint. As Lawrence Wilkerson, former Chief of Staff to Secretary Powell, said:

> I don't think in our history we've ever had a presidential involvement, a secretarial involvement, a vice-presidential involvement, an Attorney General involvement in telling our troops essentially carte blanche is the way you should feel.

The PRESIDING OFFICER. The Senator has used 2 minutes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for calendar year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Nelson (FL) amendment No. 2424, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

Reed (for Levin/Reed) amendment No. 2427, to make available, with an offset, an additional $50,000,000 for Operation and Maintenance for Cooperative Threat Reduction.

Levin amendment No. 2430, to establish a national commission on policies and practices on the treatment of detainees since September 11, 2001.

Inhofe amendment No. 2432, relating to the partnership security capacity of foreign military and security forces and security and stabilization assistance.

Chambliss amendment No. 2433, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

Snowe amendment No. 2436, to require the Secretary of Defense, subject to a national security exception, to offer to transfer to local redevelopment authorities for no consideration real property and personal property located at military installations that are closed or realigned as part of the 2005 round of defense base closure and realignment.

Harkin/Dorgan amendment No. 2438, relating to the American Forces Network.

Mr. WARNER. Mr. President, I thank the Presiding Officer for advising that the bill is now up and the distinguished Senator from Massachusetts will continue his framework remarks on behalf of Senator LEVIN, whatever time the Senator desires.

Mr. KENNEDY. I thank the chairman of the Armed Services Committee for his typical courtesies and consideration.

AMENDMENT NO. 2430

Mr. President, we have created legal and literal black holes where individuals have been placed without hope of receiving due process or fair and humane treatment, and that is nothing short of a travesty.

The warnings are all there.

The military's judge advocate generals—people who have dedicated their lives to the defense of the country—warned that undoing the rules against abuse would undermine protections for our troops.

The FBI warned the abuses at Guantanamo may violate longstanding American practices and policies.

The International Red Cross warned that our actions violate and undermine international agreements that serve to protect our own troops when they are captured.

But the Bush White House still is doing everything it can to avoid accountability. Only yesterday, President Bush said that the United States does not torture. Yet his own Vice President is lobbying Congress to allow the CIA to use these abusive techniques.

There is little doubt that many of those detained are cold-blooded killers intent on harming Americans. They should be charged for their crimes and locked away. But we do not win the war on terror by stooping to their level. We do not win by desecrating the very ideals that our soldiers are fighting for. We win by setting an example, by doing unto others as we would have them do unto us.

We know now that the prisoner abuse scandal is not merely the responsibility of a few bad apples as the administration initially claimed. We cannot simply blame a few low-ranking soldiers without looking at the role of William Haynes, David Addington, Jay Bybee, John Yoo, Timothy Flanigan, Alberto Gonzalez, and the Vice President in crafting these policies that led to these abuses.

Mr. President, there have been 11 investigations into the treatment of detainees, 11, but not one has fully examined the extent to which officials at the top levels of the administration are responsible for these abuses, and not one has looked beyond the Pentagon to the CIA, the Justice Department, and the White House itself—not the Schlesinger report, not the 10 military investigations that have taken place. We can no longer let the White House off the hook.

By refusing to act like the truth is important, the administration is only making the crisis worse, further embarrassing the Nation in the eyes of the world, and casting greater doubt on its commitment to the rule of law. We will not be able to move past the scandal as a nation until there is a full independent investigation of all that has gone wrong in our detention and interrogation policy and all the persons found responsible for these policies are held accountable. I urge my colleagues to support this amendment.

I thank again the chairman of the committee for his indulgence.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I would like to reply to my distinguished colleague from Massachusetts. It is a very strong belief within the Senate that simply this is not the time nor is there the need to establish another 9/11 type commission. First, it would duplicate the thorough investigation into the matter that has already taken place by a number of committees of the Senate. And as stated by my distinguished ranking member yesterday, he acknowledged that our committee has had a very major role in the matters and has conducted a number of hearings.

The Department of Defense on its own initiative has conducted 12 probes of detainee operations in the last 18 months. I wish to draw the attention of the Senate to one of those probes because it was conducted by individuals who in my judgment—and I say this with no restriction whatsoever—have just about as high a credibility that I know of any public or former public servant; that is, James Schlesinger, former Secretary of Defense; Harold Brown, former Secretary of Defense; General Hoerner, four star general of the U.S. Air Force who conducted the air operations during the first gulf war, a man whom I have known very well; and our distinguished and much beloved late Member of the Congress of the United States, Tillie Fowler. I would like to, for the benefit of my colleagues, quote directly from their report. On page 5, they find as follows:

> There is no evidence of a policy of abuse promulgated by senior officials or military authorities.

On page 66:

> Despite the number of visits and intensity of interest in actionable intelligence, however, the panel found no undue pressure exerted by senior officials.

Mr. President, the McCain amendment, which has been adopted now twice by this body, is the subject of a conference now with the appropriations conferees. It is also on our bill, the first amendment accepted. This was a bipartisan call to the best instincts of our American character. I call on the Senate to use that powerful statement of American values, not another commission, as our instrument of change.

Mr. President, I would like to ask at this time the time remaining on the Levin amendment——

Mr. KENNEDY. Will the Senator respond to a question?

Mr. WARNER. Yes, I would be happy to do so.

Mr. KENNEDY. First of all, I thank the chairman of the Armed Services Committee for pursuing this issue, and I am grateful for his initiatives and those of Senator LEVIN.

We had the opportunity in the Judiciary Committee to also pursue this issue during the nomination hearings of the Attorney General, Mr. Gonzalez, who had been the White House Counsel when the initial torture memorandum was prepared. There was no question that someone in the Central Intelligence Agency spoke to Mr. Gonzalez and he asked the Office of Legal Counsel in the Justice Department for advice about how to define the parameters of torture—of torture. And they received back a very detailed note from the Office of Legal Counsel. In that particular memorandum, known as the Bybee memorandum, was the legal guidance for the DOD. It effectively indicated that using any kinds of techniques on any individuals were permitted, as long as the intention was to get information and not to torture.

Mr. Gonzalez was asked extensively about that memo. We asked about the author of that memo. And we then received—during the hearing—a revision of that torture memo by the Defense Department. For 2 years, the Bybee memo had been out there. That memorandum effectively absolved any members of the armed services that were involved in torture because they were doing the work of the Commander in Chief. Under that particular memorandum, if you were working under the Commander in Chief, you were effectively protected against any kind of prosecution in the future.

That memorandum was withdrawn by the Justice Department and the Department of Defense. But it was in effect for 2 years. We don't know what the background was. We never found out in the Judiciary Committee who in the Central Intelligence Agency asked for that memorandum. We never found out what the contacts were between the agency and the Office of Legal Counsel. We never found that out. We never have found out whether it was repudiated by the Central Intelligence Agency.

Those questions are still unanswered, I say to the Senator from Virginia. This enormous collection of studies that was done primarily for the Armed Services Committee is virtually free of any discussion, knowledge, or accountability of the Bybee memorandum, which is the basis for the policy of torture within the Defense Department. That is just one illustration of what took place. The American people are permitted, I think, to understand who was making judgments and decisions so that this memorandum was put in place, which basically permitted torture to take place. We are talking about waterboarding, and we are talking about being the target of military dogs. That was all out there.

If the Senator can give me the authority for that kind of activity, for that kind of guidance, we would be much more interested in listening to the argument that we have had all of these studies, we know everything that needs to be known, when I don't believe that is the case.

Mr. WARNER. Mr. President, I will answer and charge my time to my side. The time of the Senator from Massachusetts will be charged to the Levin amendment on his side. That is my understanding; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. Mr. President, I should like to reply. If I can get clarification, I am not sure I understood one word that I think is important. Did the Senator mean ''absolved'' or ''absorbed''?

Mr. KENNEDY. Absolved. This is the Bybee memorandum that was the basis for much of the torture activity that took place. A substantial part of it was included in the military working document which was released to the members of the military in all parts of the world.

I haven't had a chance to mention this particular item, and there are many different items in the whole torture issue, but if the Senator wanted to respond later on, I would certainly welcome it. One of the most troublesome aspects of the whole issue on torture is that we still have no way of knowing who put this in, who guided this, who got in touch with the Office of Legal Counsel, what were those phone calls, who was asking for this, and why it was put into effect for 2 years.

Mr. WARNER. Mr. President, do I understand this document is in the archives of the Judiciary Committee; is that correct?

Mr. KENNEDY. Yes, it is called the Bybee memorandum.

Mr. WARNER. Is it a matter that is subject to classification?

Mr. KENNEDY. No, it is in the record of the consideration of Mr. Gonzales for Attorney General.

Mr. WARNER. So, Mr. President, the document speaks for itself?

Mr. KENNEDY. Yes.

Mr. WARNER. I simply say, I don't have firsthand knowledge of all of the important oversight that was conducted by the Judiciary Committee. The Senator does raise fundamental questions about this policy, but I will only say, as recently as in the past few days, our President has reassured our Nation that we do not tolerate or permit torture. I would have to believe that is a consistency of the policy of the administration. Not having examined this document, I would hope there would be a continuity of that throughout the administration.

Mr. KENNEDY. Mr. President, I know time is running short, but the point is, during this period of time, those same assurances were given. And what was being done at that particular time was also described as not meeting the criteria of torture. That was the troublesome aspect. Although when asked during the course of the hearing about the waterboarding and assault by dogs and other activities, I think the response of the military officials who were asked about it was that could fall within the definition of torture.

Given the history of how the word ''torture'' has been used and looking at the Bybee memorandum which was the guidance for DOD, I think there are some very legitimate questions which we are very hopeful that an independent commission can resolve.

Mr. WARNER. Mr. President, I hope my colleague will concur that the McCain amendment, which has been adopted by this Chamber on two occasions, would be dispositive of any confliction as to the definitions as to the future; would I not be correct on that assumption?

Mr. KENNEDY. Certainly it would, as far as I am concerned. I think with this commission we are trying to avoid these circumstances in the future, given the facts we have seen in the past.

I thank the Chair.

Mr. WARNER. Mr. President, I say to my colleague and distinguished member of the Armed Services Committee, to avoid it in the future, that is precisely the objective of the McCain amendment, to prevent any recurrence. I am not suggesting I corroborate that there have been deviations; I simply say that is a landmark piece of legislation with regard to the future. And it would be, as I said in my remarks a few minutes ago, the guidepost for the future to resolve this issue.

Our military has had a great history of correcting through its lessons learned the procedures for the future. The Department of Defense has already implemented substantial reforms in response to its interactions with Congress on these investigations. The areas of concern involving the intelligence community, ghost detainees, and renditions are more appropriately addressed, of course, in the Select Committee on Intelligence.

Mr. President, I simply ask that all Senators be informed as to the time remaining on the Levin amendment on both sides.

The PRESIDING OFFICER. There is 10 minutes in opposition and 3 minutes under Senator LEVIN's control.

Mr. WARNER. Mr. President, I indicate to my colleagues that I would be prepared to, at a future time, to yield back our time so we can move to a vote on the Levin amendment as early as possible. So there is 3 minutes remaining, as I understand, under the control of the Senator from Michigan?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Mr. President, I ask unanimous consent on behalf of Senator INHOFE to modify his proposed second-degree amendment. It is at the desk and being filed in relation to Senator HARKIN's amendment. This is a technical change.

The PRESIDING OFFICER. Consent is not required. The Senator's amendment is not pending.

Mr. WARNER. I realize that, but can we at this time substitute a revised document for the one that is being held at the desk? The Parliamentarian brought it to the attention of Senator INHOFE, and it is my understanding he followed the guidance of the Parliamentarian on this technical modification.

The PRESIDING OFFICER. The changes will be made.

Mr. WARNER. I thank the Presiding Officer and the Parliamentarian and other staff who facilitated this.

Mr. President, we are anxious to continue to work on this bill. I wonder if the distinguished Senator from Rhode Island can indicate what hopefully will occur this afternoon from his side of the aisle? One of his distinguished staff members handed us a sheet.

Mr. REED. Mr. President, the intention this afternoon, awaiting Senator LEVIN's return, is we will discuss further the Dorgan amendment on a Truman Commission approach and then a Byrd amendment with respect to a second Deputy Secretary of Defense for Management, I believe, and then Senator NELSON and others in regard to the SPD offset amendment. So we are prepared to return at 2:15 p.m. and continue to work on the bill.

Mr. WARNER. Mr. President, also, the distinguished Senator from Rhode Island has an amendment with regard to missile defense. Might I inquire as to the remainder of time on each side on that issue?

The PRESIDING OFFICER. The Senator from Rhode Island has 19 minutes. The Senator from Virginia has 13 minutes.

Mr. WARNER. I thank the Presiding Officer. It is our intention that the distinguished Senator from Alaska, Mr. STEVENS, will utilize largely the remainder of the time on this side, and then I hope we can bring that important amendment to a vote.

Mr. REED. Mr. President, I look forward to Senator STEVENS' comments and reserve time for myself and others to make additional comments and then move to a vote.

Mr. WARNER. Mr. President, I hope to be joined by my colleague from Michigan this afternoon. We will do our very best to keep the Senate moving without quorum calls to conclude the amendments, each side having 12, and also the managers approving a number of reconciled amendments on both sides. I anticipate a vigorous procedure this afternoon on behalf of this bill, moving toward third reading at the earliest possible date, which is the decision that the majority and Democratic leaders will eventually make.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to use 6 minutes of the time that is allocated to Senator HARKIN on the amendment that is pending, if in fact the Harkin amendment is now pending. I believe it is.

The PRESIDING OFFICER. The Senator is correct. It is the pending amendment. The Senator is recognized.

AMENDMENT NO. 2438

Mr. DORGAN. Mr. President, the Harkin amendment is a very simple

amendment. Let me describe it. We have something called Armed Forces Radio and Television Service, AFRTS, a worldwide radio and television broadcast. It serves a million American service men and women and their families stationed at bases and American diplomatic posts in 179 countries around the world.

Armed Forces Radio and Television is paid for with taxpayers' dollars. It is a wonderful service to our troops and the families who are stationed overseas and at diplomatic posts. One of the questions that we raised recently was the question of programming on Armed Forces Radio and Television, not that anyone would want to censor any programming, far from it, but the question of whether there is balance and diversity on the programming that is on these stations.

I visited with a woman named Allison Barber, who is apparently in charge of some of this. She actually came to my office and we visited. And we spoke on the phone earlier this year. I have since tried to reach her again, unsuccessfully, with I think three or four telephone calls. First, she was traveling in Europe. She is back but not returning her telephone calls at this point.

I talked to Allison Barber because I felt they were doing the troops a service by providing a certain kind of programming. They have conservative talk shows on Armed Forces Radio and Television, Armed Forces Radio specifically, which is fine. Some of them are enormously successful, entertaining, have a wide listener audience, and that makes a great deal of sense that they would offer that to the troops abroad. The question I asked Allison Barber is, If you are going to offer conservative talk shows, do you not think that you would want to offer a counterbalance so that the troops abroad would have both sides of issues?

The reason I asked that is when I began to look at what the 33 local stations in Armed Forces Radio broadcast, it was this: Of the programming that is essentially political programming or defined as conservative programming, there was 100 percent on the conservative side and nothing on the progressive side.

I said: Well, I would never suggest that conservative programming be taken off. I think it is probably there because it is entertaining, interesting, well done, and the troops want to hear it. Do you not think, since our country is split very close to 50–50 in terms of political preference, the other side might well be represented? In fact, are not your rules such that they say—I am talking about the directives now that the Department of Defense refers to—the political programming shall be characterized by its fairness and balance? How would one characterize this as fairness and balance? One cannot.

The amendment offered by Senator HARKIN does not suggest anybody ever be taken off the air. Continue to air all of these things but provide both sides of political dialogue, which is not the case today. That is what my colleague says should be done. I agree with him.

Our colleague from Oklahoma comes to the Senate floor and talks about a second-degree amendment. He says, I kind of like what is going on now. Boy, I would guess he would. He belongs to a political party that is heavily supported by the programming on Armed Forces Radio. I can well understand why he would enjoy that sort of decision.

I believe Allison Barber, the Department of Defense, and all of those involved in selecting programming should do both things. They ought to provide this kind of programming, conservative talk shows and the rest, to the troops in the field and their families, and they ought to provide what their directive requires, fairness and balance, so that the other side has the same opportunity to be heard by those troops and their families. That is not now the case. That case does not now exist. My colleague from Iowa has offered an amendment that would begin to remedy this.

I know this debate will be characterized by the talk shows on the far right as trying to take them off the air. Nothing could be further from the truth. I do not recommend that for a moment. I simply believe that Allison Barber and the others involved in these decisions have a responsibility. The responsibility is to provide balance in the political programming on the Armed Forces Radio system that is paid for by the American taxpayer, so that all of those who have access to that radio signal have access to balanced programming, both sides being heard.

The other thing is—I assume it is a joke. I assume it is a joke, but I cannot be sure because I have heard it more than once. My colleague from Oklahoma says: Well, Rush Limbaugh is balanced by National Public Radio. How one could actually make that assertion without openly laughing is hard for me to understand. That surely must be a joke. National Public Radio does not counterbalance rightwing talk. National Public Radio, if there is something in this country that is fair and balanced—National Public Radio is not about political programming on the right or the left.

We hear a lot of excuses. The question is, Will the Armed Forces Radio system do what is required of them in their directive? The answer apparently is no. So what my colleague from Iowa would do would be to codify in law what the directive now requires them to do, but what they now fail to do.

So that is the amendment. It is simple and fair. I do not see how anyone could possibly oppose that amendment. I would hope that we will have a successful vote on it.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Virginia.

Mr. WARNER. Will the Senator yield for a question? Could he put the chart back up?

Mr. DORGAN. Yes.

The PRESIDING OFFICER. The Senator from Virginia will suspend. The Senator from North Dakota is out of time. Would the Senator from Virginia like to be recognized on his time?

Mr. WARNER. I will be recognized and would hope that the reply of the Senator could be brief.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Virginia has 23 minutes.

Mr. WARNER. The zero on the chart, I want to make very clear my position. I do not want any censorship imposed by the Department of Defense in utilizing taxpayer dollars to promulgate this programming, which is so important. The Inhofe second-degree amendment sets forth the wide range of recipients. It is uniformed people. It is their families. It is embassy people. It is their families. It is consulates. Quite a spectrum is served by this important outlet.

If the Senator can point to where there is any censorship, I would like to address it. I have engaged my distinguished colleague in this colloquy as well. Does anyone make an assertion that there is censorship taking place?

Mr. DORGAN. Well, if the Senator would allow me to respond, let me propose an idea which I have proposed to Armed Forces Radio. I said, What about putting someone on from this side with a progressive talk show that would counterbalance this? The answer apparently is, no. So would that not suggest that they are censoring this side of the aisle, censoring this side of the political debate? Is that not censorship?

Mr. WARNER. Mr. President, I think the Senator is endeavoring to answer while it may not be direct and overt, indirectly there could be factual situations that would constitute some sort of censorship. For example, I happen to listen to a wide spectrum—I am sure each of us in this body does. I enjoy programs from Rush Limbaugh to NPR, but NPR has always been associated with, should we say, a bit of the left side.

I understand NPR is broadcast on AFR, and yet the zero percent would indicate that program is not considered to be somewhat counterbalancing of the others.

Mr. DORGAN. Mr. President, if I might respond.

Mr. WARNER. Yes.

Mr. DORGAN. That is an unbelievable assertion. I have great respect for the Senator from Virginia, but it is unbelievable. I, too, drive down the road, and on my radio, for example, would listen to Rush Limbaugh, very entertaining, very smart. It is a program a lot of people listen to. What he does is, he relentlessly kicks the living daylights out of the opposite party. Is that found on NPR?

The implication and the suggestion on the Senate floor and elsewhere that

NPR is some sort of leftwing political show is absolute rubbish. I am sorry. It is absolute nonsense. I am so tired of hearing it.

Mr. WARNER. Mr. President, I did not mean to engender the ire of my good friend. I am simply stating factually, to me, NPR is a very balanced—I have often been on it myself and they have this sort of a format, the modulation of the voices is always quite subdued on NPR. Now, Rush Limbaugh, indeed—occasionally, I listen to him and it is certainly not a modulated voice. He is very forceful in getting his points across, but it is not for the Senate to arbitrate the voice intonation between the different programs. I am simply talking about content, putting aside the means by which it is delivered.

It seems to me it is a question of content, and it seems to me NPR is a very—I would use the words ''reasonably balanced'' but a little bit on the left side of the equation more than on the right side of the equation. I find it somewhat misleading that the Senator puts a zero up there, which applies to the NPR.

Mr. DORGAN. Mr. President, I do not know if the Senator is willing to lend me more time, I would just say this to the Senator: There is one person in public service who tried to demonstrate what the Senator just said, and that is that National Public Radio is inherently biased. He just resigned last week. His name is Kenneth Tomlinson. Why did he resign? Because the Inspector General took a look at what he did. He hired some nut case from Indiana to do an evaluation of programming on NPR. The guy was so unprofessional—by the way, he was sending his reports from the fax of a Hallmark shop in Indiana, paid Federal money for it, Federal funds for it, inappropriately, a guy who had no experience and a guy who was a rightwinger who came up with the concoction that somehow NPR was not balanced. It is unbelievable that we keep hearing this nonsense.

Look, Rush Limbaugh has a fine radio program. A lot of people listen to it. I admire his capabilities. I just believe that our troops ought to be able to hear both sides of this debate on radio, and that is not now the case. That is the only point I make. The Senator should not suggest that National Public Radio somehow leans to the left or jumps to the left, or because it has a modulated voice is leftwing. It is not. It is the only fair and balanced radio program out there, in my judgment.

Mr. WARNER. Mr. President, it seems to me that I have engendered a spirited debate that I had no intention of doing. So I would drop the issue. I do not intend to be an expert on the political content. Clearly, Rush Limbaugh does have a strong preference for the more conservative issues, but I cannot believe that there are not some programs that have a strong bent for issues which are other than conservative, call them what one wishes. It seems to me that zero percent is something that is indefensible, and we will leave it at that.

I see the distinguished Senator from Iowa on the floor.

It is his amendment. I yield the floor at this time.

Mr. HARKIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Iowa has 7 minutes 46 seconds remaining.

Mr. HARKIN. I will yield 1 minute 46 seconds more to the Senator from North Dakota.

Mr. DORGAN. Mr. President, let me say to my colleague from Virginia, I do not mean to be irritated about this at all. My only point is this. I believe there are wonderful, talented people on the political right who are on the radio. They are very successful. Good for them. I believe there are talented people on the other side of the political spectrum who are on the radio dial. Good for them. Both ought to have an equal opportunity to be heard with respect to Armed Forces Radio programming. That is the point of it.

They are not now. Those on the progressive side are prevented from getting on that dial. We believe that is wrong with respect to a taxpayer-funded radio network. We believe it is inappropriate for the troops not to have access to both sides. The amendment of Senator HARKIN, the one I cosponsored, is very simple. It says keep all these folks on, the conservative side, good for them; but put on the other side as well, be fair to them, so the troops have a chance to hear both sides. My friend from Virginia is a good friend, and I didn't mean at all to be irritated, but the NPR allegation does sort of spark my interest from time to time. We will talk about that at some point later.

My hope is we can fill in this gap and have our soldiers have a generous discussion on both sides of the political system with radio programming from the right and the left. That does not now happen, and I believe it should on a radio program that is funded by the American taxpayer.

Mr. HARKIN. Mr. President, how much time is remaining on my side?

The PRESIDING OFFICER. The Senator from Iowa has 6 minutes 18 seconds remaining.

Mr. HARKIN. I yield myself a couple of minutes because I want to save some time.

A little history is in order here. In 1993, then-Representative Robert Dornan of California, along with 69 other Republican House Members, sent a letter to Secretary of Defense Les Aspin demanding that Limbaugh's radio show and his television show be broadcast to the military.

The Pentagon at that time pointed to an internal survey they had done of 50,000 military listeners. They found that only 4 percent requested more talk shows. The overwhelming number of respondents requested continuous music, as you might expect from our people in uniform. However, the issue kept getting pressed.

On November 29, 1993, the American Armed Forces Radio issued this statement. This is their statement.

> The Rush Limbaugh show makes no pretense that his show is balanced. If AFRTS scheduled a program of personal commentary without balancing it with another viewpoint, we would be open to broad criticism that we are supporting a particular point of view.

They went ahead and put Rush Limbaugh on the air. But the point is, that is all right, but they have done nothing to balance it in the intervening time.

There is an amendment that I believe is going to be offered by Senator INHOFE—at least he was talking about it earlier. We will talk about more later if, indeed, he does offer it. But getting back to this point on the National Public Radio, I don't think you will ever hear NPR in its commentary say that the Abu Ghraib prison abuse was a fraternity prank or the humiliation of the inmates there '' . . . was a brilliant maneuver, no different than what happens at the Skull and Bones initiation at Yale.'' I don't think you will ever hear NPR in its commentary describe images of torture as ''pictures of homo-eroticism that looks like standard, good old American pornography.'' This is all that Rush Limbaugh said. You won't hear that on NPR.

Last, a group called Fairness and Accuracy In Reporting analyzed the political affiliation of guests appearing last summer on NPR's most popular news shows. Republicans outnumbered Democrats on NPR by 61 percent to 38 percent. So I rest my case that NPR is nothing like the Rush Limbaugh show.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the parliamentary situation is—how much time remains in opposition?

The PRESIDING OFFICER. There is 17 minutes that remain in opposition.

Mr. WARNER. And the Senator from Iowa?

The PRESIDING OFFICER. The Senator from Iowa has 3 minutes 30 seconds.

Mr. WARNER. Senator INHOFE was on the floor earlier today. It was his intention to offer a second-degree amendment. I wonder if I can make a unanimous consent request that I now raise that second-degree amendment, put it on your underlying amendment, and then 30 minutes is now allocated, 15 to the distinguished Senator and 15 more to this side. That would enable you to have more time within which to debate. So you would not lose the minutes that you have.

I now make a unanimous consent request. I offer the Inhofe amendment in the second degree at this time with the understanding the time remaining on both sides would be added to the 30 minutes additional time.

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

The Senator from Iowa.

Mr. HARKIN. Reserving the right to object, if I could say to my friend from Virginia, for a point of clarification, there was some discussion about this amendment and the fact that, since there are two approaches here, one is a sense of the Senate and one is my approach, perhaps it would be better if we could have side-by-side votes; that Mr. INHOFE would go first and I would go second. Does the chairman envision that?

Mr. WARNER. Mr. President, I want to follow the regular parliamentary procedure. The unanimous consent—we have a perfect right to put the second-degree on, but I am trying to keep the continuity of the debate going rather than you extinguishing your 3 minutes. I prefer we continue with the amendment at this time, being the pending amendment, with the understanding that the 3 minutes remaining on Senator HARKIN's time be added to his 15, giving him 18; our 17 be added to the 15 that we have.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

AMENDMENT NO. 2439 TO AMENDMENT NO. 2438

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. INHOFE, proposes an amendment numbered 2439.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ____. AMERICAN FORCES NETWORK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The mission of the American Forces Radio and Television Service (AFRTS) and its American Forces Network (AFN), a worldwide radio and television broadcast network, is to deliver command information by providing United States military commanders overseas and at sea with a broadcast media that effectively communicates information to personnel under their commands, including information from the Department of Defense, information from the Armed Forces, and information unique to the theater and localities in which such personnel are stationed or deployed.

(2) The American Forces Radio and Television Service and the American Forces Network provide a ''touch of home'' to members of the Armed Forces, civilian employees of the Department of Defense, and their families stationed at bases and at embassies and consulates in more than 179 countries, as well as Navy, Coast Guard, and Military Sealift Command ships at sea, by providing the same type and quality of radio and television programming (including news, information, sports, and entertainment) that would be available in the continental United States. Additionally, the American Forces Network plays an important role in enabling military commanders to disseminate official information to members of the Armed Forces and their families, thus making popularity and acceptance key factors in ensuring effective communication.

(3) It is American Forces Radio and Television Service and American Forces Network policy that, except for the Pentagon Channel service, programming is acquired from distributors of the most popular television program airing in the continental United States. Much of the programming is provided at no cost to the United States Government. The remainder of the programming is provided at less-than-market rates to cover distributors' costs and obligations. Depending on the audience segment or demographic targeted, programs that perform well are acquired and scheduled to maximize audiences for internal and command information exposure.

(4) American Forces Radio and Television Service and American Forces Network select programming that represents a cross-section of popular American radio and television, tailored toward the worldwide audience of the American Forces Radio and Television Service and the American Forces Network. Schedules emulate programming practices in the United States, and programs are aired in accordance with network broadcast standards. Specifically, policy on programming seeks—

(A) to provide balance and diversity;

(B) to deliver a cross-section of popular programming;

(C) to target appropriate demographics; and

(D) to maintain network broadcast standards.

(5) The ''Voice Channel'', or radio programming, of the American Forces Radio and Television Service and American Forces Network is chosen to address requirements specified by the military broadcasting services and the detachment commanders of their affiliate radio stations. American Forces Network Radio makes a best faith effort to obtain the top-rated program of its sort at the time of selection, at no cost to the United States Government. American Forces Network Radio usually retains a scheduled program until it is no longer produced, too few American Forces Network affiliates choose to schedule the program locally, or a similar program so thoroughly dominates its audience in the United States that the American Forces Radio and Television Service switches to this program to offer the higher rated show to the overseas audience.

(6) American Forces Network Radio personnel review the major trade publications to monitor announcements of new programs, follow the ratings of established programs, and keep aware of programming trends. When a program addressing a need identified by a Military Broadcasting Service or an American Forces Network affiliate becomes available to the American Forces Network, or a program seems especially worthy of consideration, American Forces Network Radio informs the affiliates and supplies samples to gauge affiliate interest. If affiliates commit to broadcasting the new show, American Forces Network Radio seeks to schedule it.

(7) The managers of the American Forces Radio and Television Service continually update their programming options and, in November 2005, decided to include additional programs that meet the criteria that American Forces Radio and Television Service managers apply to such decisions, and that, consistent with American Forces Radio and Television Service and American Forces Network procedures, local programmers at 33 locations around the globe decide which programs actually are broadcast. American Forces Radio and Television Service have consistently sought to provide a broad, high quality range of choices for local station managers.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the men and women of the American Forces Radio and Television Service and the Armed Forces Network should be commended for providing a vital service to the military community worldwide; and

(2) the programming mission, themes, and practices of the Department of Defense with respect to its television and radio programming have fairly and responsively fulfilled their mission of providing a ''touch of home'' to members of the Armed Forces and their families around the world and have contributed immeasurably to high morale and quality of life in the Armed Forces.

(c) AUTHORITY TO APPOINT OMBUDSMAN AS INTERMEDIARY.—The Secretary of Defense may appoint an individual to serve as ombudsman of the American Forces Network. Any ombudsman so appointed shall act as an intermediary between the staff of the American Forces Network and the Department of Defense, military commanders, and listeners to the programming of the American Forces Network.

Mr. WARNER. Mr. President, if I might ask my distinguished colleague, we debated the Inhofe amendment at some length this morning. Could the Senator, for purposes of helping Senators who are following this debate, describe exactly what the difference is? There is one rather significant and technical difference, and that is the sense-of-the-Senate amendment by the Senator from Oklahoma would allow the ombudsman to be at the discretion of the Secretary of Defense, as opposed to your amendment, which would make it mandatory. Am I correct in that?

Mr. HARKIN. That is correct.

Mr. WARNER. Putting aside the procedure on which the ombudsman is put in place, is there any distinction between what the duties of the ombudsman would be under the Inhofe second-degree and the underlying first-degree?

Mr. HARKIN. I think I have a copy of the Inhofe amendment in front of me.

Mr. WARNER. Let's make certain the Senator does have a copy.

Mr. HARKIN. If I have the correct one?

Mr. WARNER. It was simply a technical correction to an earlier amendment, I say to the Senator.

Mr. HARKIN. I would say to my friend—if the chairman will yield so I can respond?

Mr. WARNER. Yes.

Mr. HARKIN. As I read the Inhofe amendment, all it says is that:

> The Secretary of Defense may appoint an individual to serve as ombudsman . . . to act as an intermediary between the staff of the American Forces Network and the Department of Defense, military commanders, and listeners to the programming of the American Forces Network.

That is all it says. It doesn't say what his duties are.

My amendment specifically says that the ombudsman will do these things:

> Appointed by the Secretary of Defense for a term of 5 years; not engage in any prebroadcast censorship; conduct regular reviews of the integrity, balance and fairness; respond to program issues raised by the audience regarding the network's programming; refer complaints to AFR management; make suggestions regarding ways to correct imbalances; and prepare an annual report both to the SECDEF and Congress.

So my amendment spells out what the ombudsman should do. The Inhofe amendment does not.

Mr. WARNER. Does your amendment permit the Secretary to select the ombudsman within the current personnel structure of the Department of Defense or must he go outside the Department to get that individual?

Mr. HARKIN. The way the amendment is written, the Secretary has full discretion. He can go outside or stay inside.

Mr. WARNER. I thank the Senator. One last question. I am still troubled by the chart you put up showing zero. My understanding is that the Department of Defense has added the following three programs to the body of programs that each of the 33 individual stations can select from. I am not that familiar with the details of each. Perhaps the Senator from Iowa can help me. The ''Ed Shultz Show,'' that is new this month; the ''Al Franken Show,'' which is new this month; and the ''Sean Hannity Show,'' which is new this month, where would they fall in the context of the zero which is on this chart which you have shown to the Senate?

Mr. HARKIN. If the Senator would yield, I will respond. I am familiar with the first two. Who is the third one?

Mr. WARNER. Sean Hannity.

Mr. HARKIN. I am told he's the second most popular conservative talk show. I don't know where that falls in. The first two are Shultz and Franken. They are more on the progressive side, no doubt about that. The third one you mention is on the conservative side, I guess. I don't know that so I cannot speak authoritatively on that. I don't know how that balance works out after that. I don't know.

I know my information—and it is really secondhand; I can't say this firsthand—is that the ''Ed Shultz Show'' was contacted to be on. Then he was recontacted saying that he was not to be on. And it is sort of in kind of a state of limbo now. I don't understand what that is all about.

Mr. WARNER. In the interests of moving forward on the floor, Senator INHOFE will be available following the recess we are going to take for purposes of the respective caucuses. I wonder if we, given that there is significant time remaining now on the Inhofe amendment, might go to another matter in such a way that we could engage Senator INHOFE more directly, on behalf of his amendment, with the distinguished Senator from Iowa?

Mr. HARKIN. I thank the chairman. The chairman is a leader and is very fair himself. I have no objection to moving to something else.

Mr. WARNER. I thank the Senator. I see the distinguished Senator from Alaska at this time.

I yield the floor.

AMENDMENT NO. 2427

Mr. STEVENS. Mr. President, I strongly oppose the Levin amendment, which would eliminate all funding for long-lead items for the ground-based interceptors Nos. 31 through 40, and funding for the silos for those missiles.

Realigning funding from this program would have significant impact, significant consequences for our national missile defense system.

In addition to breaking the production line for these interceptors, it would add an additional $270 million to the cost of the program. Further, it would delay emplacement of the additional interceptors by at least 1 year. I do not believe we can afford that delay in our national missile defense system.

Reducing interceptor quantities places second and third tier industrial-based suppliers at a substantial risk of exiting the manufacturing of components for the interceptors. They are currently manufacturing these. If there is a delay, those small businesses would have to leave that system. It will increase the probability of component quality problems because new suppliers would have to be found. We should not interrupt this system. This amendment would break this production line and affect the subcontractors all along the line. My great concern is that quality and process improvement efforts that were initiated by the Missile Defense Agency would be significantly impacted if this amendment were agreed to.

Replacing and recertifying component suppliers would further increase interceptor costs by millions of dollars and take a minimum of 1 year to accomplish. That would delay the fielding of the additional capabilities for these warfighters.

This amendment realigns funding from missile defense to the Cooperative Threat Reduction Program, which is called CTR. That has been fully funded at the administration's request and at the administration's amount. There remains a large unobligated balance within the CTR account and a very large undisbursed balance. It is almost $1 billion. I cannot justify adding additional funding to the program at the expense of the Missile Defense Program which has essential requirements when there is already a surplus in that account. The threat is real and imminent, as General Cartwright has testified. General Cartwright is the commander of the U.S. Strategic Command. The CIA and the DIA assess that North Korea is ready to flight test an ICBM that could reach the United States. That is of critical importance to those who live in Alaska. We are closer than any other State to that threat. Iran may have such capability by the middle of the next decade, according to DIA.

Despite recent test failures, the technology is mature enough to proceed with fielding even while we continue to test and improve reliability. That is the genius of this system. We have fielded it and, if necessary, we can use it. We are perfecting it as we go. The failures were the result of quality control issues and they do not undermine our confidence that the hit-to-kill technology works. It should be in place.

An independent review team has recently concluded that the ground-based midcourse system's design is sound and is capable of providing a defense against long-range ballistic missiles such as the one I described we think is being tested in North Korea.

In a hearing before our Senate Committee on Appropriations, General Cartwright described the missile defense system as a ''thin line system.'' Additional interceptors will help the warfighters better defend against ballistic missile attack. According to the warfighters, a primary system limitation is there are too few interceptors. This amendment will delay the ones that should be in place during this fiscal year.

I urge the Senate to defeat this amendment. We should not reduce funding for the Missile Defense Program at this critical juncture. We need to test the program, improve it, and continue testing. We should not stop production by realigning funding from the missile defense system, particularly putting it into account when there is almost $1 billion surplus already.

The Missile Defense Program, in my judgment, is vital to the security of this country. We should not cause further delay. I strongly urge the Senate to vote against this amendment and reject this reduction in transfer to an account that does not need the money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise today in strong support of the 2006 National Defense Authorization Act. Let me begin my comments by paying tribute to the distinguished chairman of the Committee on Armed Services and the able ranking minority Member. They have worked very hard with all who are privileged to serve under their leadership to craft this important bill.

In the interests of time, I will focus my remarks today on three particular provisions. First, those providing $9.1 billion for an essential shipbuilding priorities; second, the provisions offered by Senator MCCAIN, which I am proud to cosponsor, to provide standards for the treatment of detainees; and third, the amendment I am pleased to join my colleague, the senior Senator from Maine, in offering having to deal with conveyances of closed bases.

This bill authorized $9.1 billion for shipbuilding. It also includes a provision to prohibit the use of funds by the Navy to conduct a one-shipyard acquisition strategy to procure the next generation DD(X) destroyers. Not only does this bill fully fund the President's budget request for the DD(X) program, but it also provides, at my request, an additional $50 million for advance procurement of the second ship in the DD(X) class at Bath Iron Works in my home State of Maine. I am understandably very proud of the skilled workers at Bath Iron Works and their contribution to our Nation's defense.

This authorization for DD(X) funding aligns the Senate-passed appropriations bill, and our bill parallels the appropriations bill with this funding.

The high priority placed on shipbuilding in the Senate's version of the Defense authorization legislation stands in stark contrast to the House Defense authorization bill which actually rescinds $84 billion in funds designated for Bath Iron Works, the detailed design work on the DD(X) I secured as part of the Defense legislation signed into law last year. The House version also slashes funding for the DD(X) program contrary to what was proposed in the President's budget.

These misplaced priorities remain even when the former Chief of Naval Operations, Admiral Clark, has testified repeatedly that the Navy's requirements for the next generation destroyer are clear. I look forward to working with the other Members of the Senate Committee on Armed Services to resolve this important issue in our conference.

I now turn to the issue of the treatment of detainees. The vast majority of our troops carry out their dangerous and difficult missions with fairness, compassion, and courage. To them, the actions of those who have been accused of torture against detainees are demoralizing and make the difficult task they have been assigned immeasurably more difficult. Critics of abuse at detention facilities operated by the U.S. military have attributed this abuse not only to the criminal actions of individual military personnel—and, again, that is not the vast majority of our troops—but also to the lack of clear guidance across the U.S. Government for the treatment of detainees. Senator MCCAIN's amendment provides that clear guidance. I am proud to be a cosponsor.

Finally, let me comment very briefly on the amendment offered by my colleague from Maine. It only adds insult to injury to require a community to have to pay for the property involved in a base closure. Surely we can work with our communities in a more cooperative way to enable them to pursue the economic development that is necessary to make a closed military installation a productive part of the community once again. It is the least we owe these communities struggling with base closures throughout the United States. I hope we can work out something on that amendment.

The bill before the Senate is a good one. I salute the chairman and the ranking member for their hard work.

Mr. WARNER. Mr. President, I thank our distinguished colleague and member of the committee, the Senator from Maine. The Senator has fought hard on behalf of her interests in that State. Indeed, the BRAC process, in some respects due to your efforts, was modified in the end to the interests of the State.

While I am not going to be able to support the Snowe-Collins amendment, nevertheless, in other areas the Senator made some progress. I thank the Senator for her work on the committee given her work on the Government Operations Committee. Nevertheless, the Senator finds time to attend our meetings and be an active participant. I thank my colleague.

I ask unanimous consent at the hour of 2:45 the Senate proceed to a vote in relation to the Inhofe amendment No. 2439, followed by a vote in relation to the Harkin amendment numbered 2438. I further ask that the Inhofe amendment be modified so it is a first-degree amendment, and that no second-degree amendments to the amendments be in order prior to the votes; provided further that the time from 2:15 to 2:45 be equally divided between Senators INHOFE and HARKIN. I further ask on an unrelated matter that Senator STEVENS be recognized for up to 10 minutes of morning business following the two votes.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:41 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Continued

AMENDMENTS NOS. 2438 AND 2439

The PRESIDING OFFICER. There is now 30 minutes of debate equally divided between Senator INHOFE and Senator HARKIN.

The Senator from Virginia.

Mr. WARNER. Mr. President, under the previous order, the time between 2:15 and 2:45 is equally divided between the Senator from Oklahoma and the Senator from Iowa for the purposes of discussing the underlying amendment by the Senator from Iowa and a second degree that I put on on behalf of Senator INHOFE. My understanding is that Senator INHOFE will be here momentarily. But under the order, the Senate is now in session and open to hear comments on this legislation.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, what we have coming up here are two votes, one at 2:45 on the Inhofe sense-of-the-Senate amendment, to be followed by a vote on my amendment.

Now, you might say: What harm is it in voting for the Inhofe sense-of-the-Senate amendment? Well, I thought I might even vote for it myself, until I read it. Because if you look at the sense-of-the-Senate amendment by the Senator from Oklahoma, in its findings—in its findings—it says:

> The American Forces Radio and Television Service and the American Forces Network provide a ''touch of home'' to members of the Armed Forces [et cetera] by providing the same type and quality of radio and television programming . . . that would be available in the continental United States.

Well, when AFRTS provides for 100 percent, under 33 local stations around the world, of Rush Limbaugh and Dr. Laura and James Dobson and zero percent on the progressive side, that is hardly ''the same type and quality'' ''available in the continental United States.'' So right away, that is a wrong finding.

Another finding is that the:

> American Forces Radio and Television Service . . . select programming that represents a cross-section of popular American radio and television.

Well, again, if 100 percent is on one side and zero is on the other, that also cannot be so.

And then in their sense-of-the-Senate amendment it says, it is the sense of the Senate—according to the Senator from Oklahoma—that:

> [T]he programming mission, themes, and practices of the Department of Defense with respect to its television and radio programming have fairly and responsively fulfilled their mission of providing a ''touch of home'' to members of the Armed Forces. . . .

Well, they have fairly and responsively fulfilled their mission when it is 100 percent to nothing? I do not think so.

Lastly, the Inhofe amendment says the Secretary of Defense may appoint an ombudsman—''may''—but it does not say what the ombudsman is supposed to do.

Now, to be clear, again, what our amendment does is it simply takes the DOD directive—which says they shall provide a free flow of political programming, that there should be the same equal opportunity for balance, and that they should provide them with fairness—and codifies it. We take that directive and codify it. That is all. We do not change it, we codify it. Then we set up an ombudsman and spell out what that ombudsman should do. And we spell that out in my amendment. So there is quite a bit of difference.

Again, I remind my fellow Senators that a year and a half ago, I offered a sense-of-the-Senate resolution because I thought if we gently prodded them and showed them what they were doing, they would follow their directive. That was 16 months ago. Now, 16 months later, it is 100 percent to nothing. There is zero programing on the progressive side.

Again, I want to make it clear we are not trying to restrict or in any way say what they have to carry, but as long as they are carrying this talk radio, it ought to at least be balanced. Some people say: Well, Rush Limbaugh has a big audience. He does. I don't deny that. But they are carrying Dr. Laura, they are carrying a Mark Merrill, whom I have never heard of. Why don't they carry Howard Stern? Howard Stern has 8 million listeners. Well, in that case, they said they do not like the content.

So it is not just ratings, it is also content. They are keeping the Armed Forces personnel from listening to Howard Stern. So it is not just ratings. Don't fall for that line. It is not because Limbaugh and these people have high ratings. Howard Stern has high ratings, but they won't let him on.

So I hope Senators will oppose the Inhofe amendment and support our amendment to codify it and to set up an ombudsman who would report to the Secretary of Defense and report to us every year on how they are meeting their requirements of fair and balanced programming.

With that, Mr. President, I yield the floor, suggest the absence of a quorum, and I ask unanimous consent that the time be run on both sides.

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

The Senator from Virginia.

Mr. WARNER. Mr. President, in consultation with the ranking member, I say that there are three amendments in which, speaking for the majority, I would yield back time in our possession in the hopes we could move to the amendments for voting purposes.

The first one, of course, would be the amendment, as I just discussed with the distinguished Senator from Michigan, regarding the desire to have a Presidential commission regarding the detainee issues. I ask the Chair to inform the Senate as to the amount of time that is under the control of the majority and minority on that amendment.

The PRESIDING OFFICER. Amendment No. 2427?

Mr. WARNER. A little louder, Mr. President.

The PRESIDING OFFICER. Amendment No. 2427?

Mr. WARNER. Amendment No. 2430.

Mr. LEVIN. Mr. President, how much time is there on each side, if we could inquire of the Chair.

Mr. WARNER. That is the question before the Chair on amendment No. 2430.

The PRESIDING OFFICER. The opposition has 10 minutes. Senator LEVIN has 3 minutes.

Mr. WARNER. Fine. Then we would like to move to the amendment by the Senator from Rhode Island, Mr. REED, regarding missile defense. Again, I would inquire as to how much time is remaining on the amendment, which is amendment No. 2427.

The PRESIDING OFFICER. The opposition has 8 minutes. Senator REED has 19 minutes.

Mr. WARNER. Well, I am prepared to yield back time on that if we can get some indication from Senator REED as to his desire. I am hopeful we will have that vote up.

Then there is an amendment by the distinguished Senator from Maine, Ms. SNOWE, amendment No. 2436. Will the Chair advise the Senate as to the time remaining on that amendment?

The PRESIDING OFFICER. Senator SNOWE has 3 minutes, and the opposition has 13 minutes.

Mr. WARNER. Well, with regard to the time in opposition, I am opposed to the amendment, but I am prepared to yield back the time on that amendment. This, hopefully, alerts Senators that any one and hopefully all three of those amendments could be up for votes very shortly.

Mr. LEVIN. Mr. President, will the Senator yield for a question?

Mr. WARNER. Yes.

Mr. LEVIN. I am wondering if we have the time on the Nelson of Florida amendment. I do not have the number.

Mr. WARNER. Mr. President, 2424 is the number on that amendment.

If the Senator will withhold for a minute.

The inquiry is in to the desk as to the time left on the Nelson amendment.

The PRESIDING OFFICER. Senator NELSON has 16 minutes, and the opposition has 30 minutes.

Mr. WARNER. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I inquire as to the regular order and the time remaining on both sides.

The PRESIDING OFFICER. The Senator from Oklahoma has 10½ minutes.

Mr. INHOFE. On both sides.

The PRESIDING OFFICER. The Senator from Iowa has 9 minutes.

Mr. INHOFE. All right, then. And the second-degree amendment No. 2439 to amendment No. 2438 is the order?

The PRESIDING OFFICER. It is now a first-degree amendment, and it is the pending amendment.

Mr. INHOFE. Amendment No. 2439?

The PRESIDING OFFICER. Yes. That is correct.

Mr. INHOFE. Mr. President, I had an opportunity prior to the break to talk a little bit about my amendment to the Harkin amendment. There is criteria that has been used, and used successfully, for a long period of time. There are two criteria. One is, it must be a syndicated type of a program. The program has to be syndicated. No. 2, it has to have at least a million listeners by the ratings.

Now, there are some other exceptions, when they are extreme things. Obviously, there are some things that anyone making any evaluation would not want to have our people subjected to. But by and large that is the way it has worked.

Now, for a long period of time it just happens that the conservative programs have been asked for by our troops over there, so they have received them. However, if I were to stand here and say I am happy with the programming as it has been, I would not be.

Right now I guess the name you hear more often than anybody else is Rush Limbaugh. His is the second most highly requested program. They want all 3 hours, although only some of the 33 stations give him 1 hour. No one gives him more than 1 hour. So that is not as much as I would like to have them go and as much as I think the market demands.

I think it has worked well. I would think it would be very bad policy for us to believe we should sit here in this august body of the Senate and make the determination as to what we think—what we think—our troops should be watching and listening to.

I believe this is true: I have been to Iraq more than any other Member. I have gone just about every month. I have yet to hear the first complaint over the programming as it has been, nor have I ever received a communication in any of our offices either in Washington or in the State.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wonder if the Senator from Oklahoma could advise this Senator as to where in the directive—perhaps there is someplace I haven't found—it says that radio programs that are carried by American Forces Radio around the world have to be syndicated and have a million listeners.

Mr. INHOFE. That is the policy they have been using. It is not mandated. It is a policy they have stated has been their policy, and the programming has reflected that that is the case.

Mr. HARKIN. With all due respect, I asked the Senator, can he show me anywhere where that is written down?

Mr. INHOFE. No. This has been the policy. By the way, I remind the Presiding Officer, this is on the time of Senator HARKIN.

Mr. HARKIN. Mr. President, what we have is a policy that is not written down—we can find it nowhere, and today is the first time I ever heard of it—that somehow before American Forces Radio airs a program, No. 1, it has to be syndicated and, No. 2, it has to have a million listeners. I never heard of this before. All of a sudden, it has come up.

Mr. INHOFE. Will the Senator yield?

Mr. HARKIN. Since I am on my time, the Senator can get his own time to respond.

That is why we need to codify it. I think the Senator has put his finger on it. That is why our amendment is necessary. It takes the DOD directive, what is in writing, and codifies it and makes it law. That way there won't be any confusion. That way we will know whether they are living up to their own words. Secondly, putting in an ombudsman—not ''may,'' what the Senator says in his amendment—will do the following: That person will be appointed by the Secretary of Defense; not engage in any censorship; conduct reviews of integrity, balance, and fairness; respond to program issues raised

by the audience; make suggestions regarding ways to correct imbalances; and, most importantly, prepare and present an annual report to the Secretary of Defense and Congress on whether American Forces Radio is satisfying its mandate to provide fair and balanced political programming.

The Senator, by his own words, shows why this is necessary. All of a sudden we hear there is a policy. It is not written down. We have never heard of it before. Yet we know what is happening.

I repeat for emphasis: On the 33 stations around the world, we have 100 percent Rush Limbaugh and Dr. Laura and James Dobson, and zero percent of any kind of progressive radio. I don't care how you cut it, slice it, dice it, or excuse it, this is unfair. This is censorship. This is propagandizing our troops. They deserve better than that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I believe this policy has been adhered to—on his own time, if the Senator from Iowa knows of any time it has not been adhered to, I would be glad to listen—the criteria of having to be syndicated and, No. 2, at least 1 million listeners, which has been the policy all along. If he questions that this should be the policy or believes it should be in the future, I would be glad to change my amendment just to say that it should be based on those two criteria. That is not a problem at all. It is not necessary because it has used that criteria in the past.

To clearly demonstrate that 1 million listeners is one of the criteria, when the time came that Franken and Ed Schultz reached 1 million, all of a sudden they were programmed. It further demonstrates it is something that has worked in the past for liberal or conservative messages.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, this is very interesting, I say to my friend from Oklahoma. The Senator from Virginia got up earlier before our lunch break and said something about Ed Schultz and Al Franken being on American Forces Radio. I just checked with them. I had my office call both of their programmers. Neither Mr. Franken nor Mr. Schultz has been notified, as of 2 hours ago, that they are ever going to be on American Forces Radio. They have never been notified. So now we hear today that somehow all of a sudden they are going to be on. Maybe the Senator has some inside knowledge of how they operate. As of 2 hours ago, neither Mr. Schultz nor Mr. Franken has been notified when they are going to be on, how often, or how long.

The second thing I say to my friend from Oklahoma, he says they have this policy of syndication and 1 million listeners and even though it is not written down anywhere they have followed it. I say to my friend from Oklahoma, if that is the case, then why don't they carry Howard Stern? Howard Stern has over 8 million listeners. He is syndicated. Yet American Forces Radio will not carry Howard Stern. So I say to my friend from Oklahoma, there must be some other criteria other than syndication and a million listeners or else they certainly would have Howard Stern.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we are trying to find out something specific that Howard Stern has said or promoted on his programs. The problem is, there is nothing I can say on the Senate floor because it is so basically lewd. It is the type of thing that if the Muslim world were to listen to, it would be something very bad. There is not a Senator on this floor who would want that type of language used, profanity. I said this in my opening remarks. There are some cases where programming could be so extreme, whether it is liberal or conservative, it would not be acceptable.

As far as Al Franken and Ed Schultz, the liberal programming, it was published on the Web site of American Forces that states which ones meet the two criteria. It was not on their Web site in 2004. It is on their Web site currently.

I can't spoon-feed them and go up and say: Are you aware? You need to read the Web site. They should have been aware of that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I have no case to make for Howard Stern. The Senator said it is syndication and numbers in the millions. I pointed out that Howard Stern has 8 million. The Senator responds that Howard Stern is lewd and too much—I didn't hear all the words he used. But there are other criteria that have to do with content.

Whether one agrees with whatever Howard Stern says, I might object strenuously—and I think a lot of Americans would object—to someone who said that what is good for al-Qaida is good for the Democratic Party in this country today. Rush Limbaugh said that. That went to all of our troops in Iraq. I think that is lewd. I think that is obscene. I will bet you there are a lot of people who think that is obscene. I don't mean just Democrats, anybody would think that is obscene. Or saying that what happened at Abu Ghraib was like a fraternity prank, or saying that the pictures of homoeroticism look like standard, good-old American pornography. Rush Limbaugh said that. It was broadcast to our troops in Iraq.

We voted last week 90 to 9 on the McCain amendment to say: No. What happened at Abu Ghraib does not represent good-old American pornography, as Rush Limbaugh says.

If the Senator objects to Howard Stern, fine. I think a lot of people object to the obscenities of Rush Limbaugh, also.

What we are talking about is not taking somebody off the air. We are talking about ideas and discussion and debate. It seems to me that what we want are more ideas and more discussion and more debate. I think our debate is pretty darn good, as a matter of fact. Why don't they have that on American Forces Radio rather than this one-sided type of thing? They need this kind of debate, this kind of discussion. More ideas, more discussion, more debate is much better than less. That is what I believe our amendment would provide.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to inquire as to the time remaining.

The PRESIDING OFFICER. The Senator from Oklahoma has 3½ minutes. The Senator from Iowa has 20 seconds.

Mr. INHOFE. Let me say that I think with any program, in the case you mentioned of Rush Limbaugh, you mentioned two things you found to be offensive and you questioned whether they were appropriate. The service people requested all 3 hours every day. They ended up with some stations giving them 1 hour, nobody giving them more than 1 hour. So if you take 1 hour for some of these stations every day and you can find two instances of something that in, your interpretation, is lewd, and you compare that to Howard Stern whose programming is based on this type of thing—the profanity and the things that we find offensive and would not want to be throughout the world, the Arab world, or the rest of the world—then I think that is a real stretch.

The bottom line is, we have an opportunity. Right now it is working well. As I say, I don't know how many times the Senator from Iowa has been to Iraq. In his last 20 seconds, he might mention how many times he has been there. I have been there almost every month. I carry on a dialog with these people. I know they tell me the type of programming they want, the complaints they have. We have yet to receive any complaints saying they think the current system of programming is wrong in any way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the time remaining on behalf of the distinguished Senator from Oklahoma is?

The PRESIDING OFFICER. It is 1 minute 20 seconds, and the time remaining for the Senator from Iowa is 20 seconds.

Mr. WARNER. Mr. President, the Senator from Iowa talked about the two programs which I discussed earlier, Ed Schultz and Al Franken. He mentioned that his check indicated they

haven't been contacted. I immediately went back and checked with the Department of Defense. The Department of Defense, I assure the Senator from Iowa, is taking steps to implement the inclusion of those programs. The Department is dealing with the agents who presumably control the time. Therefore, the proffer that I made earlier about these two programs being included, it may be just a question of the tense of the verb, but I am assured by the Department that they are now taking steps to implement the inclusion or option to include these two programs throughout the American Forces Network.

Mr. HARKIN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. HARKIN. I just respond by saying they said that 16 months ago. They said it 16 months ago, and nothing has happened.

Mr. WARNER. Well, I am not in a position to rebut that.

All I can say is——

The PRESIDING OFFICER. The majority's time has expired.

Mr. WARNER. Within the past 15 minutes, I received the assurance.

Has all time expired, Mr. President?

The PRESIDING OFFICER. The Senator from Iowa has 20 seconds.

Mr. HARKIN. I think again what this boils down to is do you want to have our troops have more debate, more discussion, more ideas, or do you want them to be limited? I say to my friends on the Republican side, maybe you will be inclined to just vote for Limbaugh and Dr. Laura and stuff, but I ask for your thoughts on fairness and equity. Someday the shoe may be on the other foot. I don't want them to hear one side of the story. I want them to hear both sides of the story.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I beg you, let's have some fairness. That is what this amendment will do, not the sense-of-the-Senate resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. WARNER. I so make that request for both amendments, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. The yeas and nays may be requested on both amendments.

Mr. WARNER. And I so make that request, the underlying amendment and the Inhofe amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—55

Alexander	DeWine	Murkowski
Allard	Dole	Nelson (NE)
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McConnell	

NAYS—43

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Carper	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Dorgan	Lieberman	
Durbin	Lincoln	

NOT VOTING—2

Corzine	McCain

The amendment (No. 2439) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2438

The PRESIDING OFFICER. The question is on agreeing to the Harkin amendment No. 2438. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—44

Akaka	Carper	Feinstein
Baucus	Clinton	Harkin
Bayh	Conrad	Inouye
Biden	Dayton	Jeffords
Bingaman	Dodd	Johnson
Boxer	Dorgan	Kennedy
Byrd	Durbin	Kerry
Cantwell	Feingold	Kohl
Landrieu	Murray	Rockefeller
Lautenberg	Nelson (FL)	Salazar
Leahy	Nelson (NE)	Sarbanes
Levin	Obama	Schumer
Lieberman	Pryor	Stabenow
Lincoln	Reed	Wyden
Mikulski	Reid	

NAYS—54

Alexander	DeMint	Martinez
Allard	DeWine	McConnell
Allen	Dole	Murkowski
Bennett	Domenici	Roberts
Bond	Ensign	Santorum
Brownback	Enzi	Sessions
Bunning	Frist	Shelby
Burns	Graham	Smith
Burr	Grassley	Snowe
Chafee	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NOT VOTING—2

Corzine	McCain

The amendment (No. 2438) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that following the use or the yielding back of the debate time on the Byrd amendment, the Senate proceed to a series of stacked votes in relation to the following amendments: The first is the Byrd amendment; the second is the Nelson amendment, No. 2424; the third is the Snowe amendment, No. 2436; provided that no second degrees be in order to the amendments prior to the votes; finally, that there be 2 minutes equally divided between the votes and that the second and third votes be limited to 10 minutes each.

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

Mr. WARNER. Mr. President, further I hope, working in consultation with the distinguished ranking member, to have more votes. There is an outstanding Reed amendment and there is an outstanding amendment by the Senator from Michigan, Mr. LEVIN. I hope those votes will be addressed by the Senate not too long after the conclusion of this series of votes.

Mr. President, under the order of the Senate that I asked for earlier, the Senator from Alaska is to be recognized.

The PRESIDING OFFICER. The Senator from Alaska.

(The remarks of Mr. STEVENS and Ms. MURKOWSKI are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. What is the business before the Senate?

The PRESIDING OFFICER. The Snowe amendment is pending.

Mr. BYRD. The Snowe amendment to what?

The PRESIDING OFFICER. To the Department of Defense authorization.

Mr. WARNER. Mr. President, if the Senator would yield, we have already scheduled Senator BYRD's amendment at this point in time, so it is quite in order and timely.

AMENDMENT NO. 2442

(Purpose: To establish the position of Deputy Secretary of Defense for Management.)

Mr. BYRD. Mr. President, I thank the distinguished Senator from Virginia, a man for whom I have great respect.

In 1787, during the drafting of the Constitution, the Founding Fathers struggled with the question of how to create a government that would simultaneously govern and yet remain accountable to the people. The Framers developed a number of principles with which every schoolchild should be familiar: Direct and indirect representation, checks and balances, separation of powers.

In addition to these great principles, the Framers were also insightfully pragmatic. For example, in article I, section 9, the Constitution gives the Congress—us, the Senate and the House, the Congress—the power of the purse. As Cicero said, there is no fortress so strong that money cannot buy it. Money cannot take it.

That section also requires accountability for how the people's tax money is to be used. Here is what it says:

> . . . a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

The Founding Fathers, among whom were the Framers, the Framers understood the importance of informing the American people about how their taxes are spent. However, this constitutional requirement has frequently clashed with the realities of the modern day bureaucracy. In no other Government agency, is this clash more evident than in the largest department, the Department of Defense, with its budget that is approaching half a trillion every year. How long would it take to count $1 trillion at the rate of one dollar per second? That is pretty fast counting, one dollar per second. How long would it take to count $1 trillion at the rate of one dollar per second? Guess. What is the guess? Thirty-two thousand years. That would be quite a while. I wouldn't be around to hear the counting of $1 trillion at the rate of one dollar per second.

The Department of Defense, with a budget that is approaching half a trillion dollars per year—that takes 16,000 years to count—is unable to adequately account for the funds that are appropriated to it.

What a shame. Are you astounded? It is amazing, isn't it? That is astonishing.

Despite decades of congressional scrutiny, multibillion dollar reform efforts and promises for progress, the Pentagon is unable to pass an audit of its books. How about that? The Pentagon is unable to pass an audit of its books. I have been saying this now for how many years, pretty close to 5 years that I have been saying this. Secretary Rumsfeld admitted it. He said he was going to do something about it.

Dr. David Walker, the Comptroller of the United States and the head of the Government Accountability Office, has stated:

> Numerous management problems, inefficiencies, and wasted resources continue to trouble DOD's business operations, resulting in billions of wasted resources annually at a time when our nation is facing an increasing fiscal imbalance.

We ought to listen to that. That ought to get everyone on their feet. Stand up and take notice. He is talking about billions of dollars of the people's money. That is your money; your money; yes, your money; and your money. Turn to the four corners of the Earth, the proverbial four winds. It is your money that goes down the tubes each year, down the tubes.

These billions are not being spent on training our troops. These billions are not being spent on providing health care for the families of our troops. We are talking about billions of dollars in spending that neither improves our national security nor returns value to the taxpayers. It is as if this huge amount of money vanishes into thin air.

In this time of tight budgets, in this time of huge deficits, this is exactly the sort of Government waste the Congress needs to eliminate. The taxpayers cry out, even the rocks cry out.

When Secretary Rumsfeld came before the Committee on Armed Services in January of 2001, I asked Secretary Rumsfeld what he was going to do about this. That was in 2001. What are you going to do about it? So I asked him what he was going to do about this. This what? This $2.3 trillion in unsupported accounting entries that appeared in the Pentagon's ledgers in fiscal year 1999.

Mr. President, $2.3 trillion is a lot of money, isn't it? I believe our national budget exceeded $1 trillion—when was it, may I say to the distinguished Senator from Virginia, when did our Government budget first exceed $1 trillion? I believe that was 1987; am I correct? Now, here we were in 1999, when I noted that there was in the Pentagon's ledgers, this number $2.3 trillion in unsupported accounting. Secretary Rumsfeld said that the accounting mess was, to use his words, ''monumental.'' He used the word ''terrifying.'' And he said it would take ''a period of years,'' it would take ''a period of years to sort it out.'' So I said: Well, let's get started. It is past time.

Since January 2001, the Department of Defense has made progress in some areas. For example, the Pentagon has been successful in reducing the abuse of Government-issued credit cards. But the toughest work remains ahead, and there are serious doubts that the Pentagon is up to the task of tackling these difficult problems.

The previous Defense Department Comptroller, Dov Zakheim, set a goal to have the Pentagon pass its first audit by fiscal year 2007. However, this deadline is increasingly looking like a pipedream. Dr. Walker of the General Accounting Office said, earlier this year, in a hearing before the Armed Services Committee's Readiness Subcommittee:

> The goal for 2007 is totally unrealistic. It's not credible on its face.

How about that? That is quite astonishing. In fact, for the first time, the GAO listed the Defense Department's business transformation project on its annual list of ''high risk'' Government programs.

Now, this should lead the Congress to question whether the Defense Department is moving forward in its efforts to straighten out its books or if it is heading into even greater financial chaos.

Mr. President, I cry out for the American people. Oh, how they cry out because of the burden, the never-ending, the increasingly heavy, the increasingly unbearable burden. They simply can no longer afford the billions of wasted dollars through the Pentagon's broken accounting systems. That is why I offer an amendment on behalf of myself and Senator AKAKA and Senator LAUTENBERG, to put the Defense Department on the right track to fix its broken accounting and financial management system. It is broken, so it needs fixing. Yes, it needs fixing. Why? Because it is broken.

This amendment, which is similar to bipartisan legislation introduced earlier this year, would create a Deputy Secretary of Defense for Management to bring order to the Pentagon's bloated bureaucracy—the Pentagon's bloated bureaucracy. The Deputy Secretary for Management would be directly responsible—directly responsible—for overseeing reform in the areas of accounting, human resources, information technology, acquisition, and logistics, among others. These are the key areas identified by the Government Accountability Office as being most in need of stronger oversight. Getting these programs on the right track could save taxpayers billions of dollars per year by eliminating waste, inefficiency, and duplication—duplication, redundancy.

Based upon the recommendations of the GAO, the Byrd-Akaka amendment would create a 7-year term for the Deputy Secretary of Defense for Management. This fixed term of service is required to ensure that the Pentagon lays out a single plan for reform and sticks to it—lays out a single program for reform and sticks to that single program for reform. Above all else, the Defense Department needs this sustained, high-level leadership if it is ever going to fix its accounting problems.

Well, there are some critics who might argue that the Department of Defense already has high-level leadership concerned about financial management and accounting practices. Well, that is probably true. So what. It

is, indeed, true that Secretary Rumsfeld and his Acting Deputy Secretary, Gordon England, both have spoken often about the importance of straightening out the Pentagon's books.

But this amendment is not about the Secretary, not about the Deputy Secretary of Defense. If experience shows us anything, it is that Secretaries and Deputy Secretaries come and go, but the Pentagon's accounting problems remain. The Secretaries and Deputy Secretaries come and go, but the Pentagon's accounting problems do not go away. They do not go away. They remain.

In the 15 years since the Congress passed the Chief Financial Officers Act of 1990, which requires every Government agency to pass a financial audit, the Pentagon has seen five—F-I-V-E—Secretaries of Defense, eight—E-I-G-H-T—Deputy Secretaries of Defense, and five—F-I-V-E—Comptrollers. How about that. How can any major reform plan hope to succeed if the Department's leadership is in such a constant turnover, such a constant state of change?

Plans for accounting reform have been written, written, written, and rewritten more times than anyone can count. Billions of taxpayer dollars have been spent in the vain attempt to implement a never-ending series of reform proposals, each one of which claims to be the plan that will finally straighten out the Pentagon's books. But do you know what. These proposals, plans, and programs just are not getting the job done. They do not amount to a hill of beans. They are not doing the work.

In fact, just a few short weeks ago, the Department of Defense finished creating another revised plan to fix its accounting systems and inaugurated another new agency to implement the new plan. Well, while some may argue that this means the Pentagon is finally getting serious about its efforts to balance its books, I see history repeating itself—yes, more new plans, more new plans, more new plans, but little hope for success.

Mr. President, the time has come and passed for a real shakeup of the Department of Defense. That giant bureaucracy needs to be tamed—needs to be tamed. While the Secretary and Deputy Secretary of Defense have a multitude of competing priorities, including their responsibility to oversee the military operations in Iraq and Afghanistan, the Pentagon needs a single official to focus on the day-to-day management of the Department of Defense. The Byrd-Akaka amendment creates a Deputy Secretary of Defense for Management to do that.

Too much of the American people's hard-earned tax dollars are lost through the waste and inefficiency of the Defense Department's bureaucratic morass. It is time for reform. I urge my colleagues to support the Byrd-Akaka amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, one of the great pleasures of those of us who serve on the Armed Services Committee is to have the opportunity to work with Senator BYRD, an individual for whom I have the greatest respect and whose corporate knowledge of the institutions of Government, most particularly the institution of the U.S. Senate, is second to none.

I have listened carefully to this presentation by our distinguished colleague from West Virginia, and I think he cites, with relative accuracy, points that should be taken into consideration. But I would like to say to my friend, I wonder if you might consider an alternative approach.

We stop to think that the Department of Defense was envisioned by the Key West Conference in 1947, when Harry Truman—I might say one of my favorite Presidents—saw the need to bring together the Departments of the Navy and the Army and the emerging Air Force from the glorious days of the Army Air Corps and put them all together, unify them, and eliminate, thereby, certain frictions, and so forth, that normally exist between the military Departments. The Department of Defense as we know it today was born, and James Forrestal was our first Secretary.

This Department has served this Nation very well in the ensuing years since 1947. And yet, as Mr. BYRD has said very eloquently, he has pointed out problems associated with the enormity of the growth of responsibilities, the enormity of the growth of appearances required by the senior members of the Department before the Congress and the like.

I think he also has in mind the British system, for which all of us who have dealt with that system through the years have a certain degree of admiration. They have a civil service sort of permanent under secretary structure, so as there is turnover in the top positions through the years, there is someone to come in and say: Well, I was here under the previous two secretaries and, indeed, the facts are such and so. It has its virtue. But I think the complexity of the problems you raise requires some careful study.

Now, a subcommittee of the Armed Services Committee, under the distinguished chairmanship of Senator ENSIGN, has looked at this question. He will succeed me here momentarily to give his thoughts.

I come down to this point, I say to my good friend from West Virginia. You start with the proposition there is no other Government agency or Department of our Federal system, other than the FAA—and I did not know that until I was prompted by your amendment to do the research—which has the two Deputy Secretaries or Under Secretaries, as the case may be. That, to me, indicates that throughout the formation of our Government, whether it has been under Democrat control or Republican control, it is a concept that has not been tried. But it merits careful study.

I am wondering if the Senator from West Virginia would think of converting his amendment to provide for a study. Now, I do not mean to kick the can down the road for a year and let it disappear as a concept. Let's have a tight study of 90 or 120 days. Let's have it done by one of the Federal research centers, not the GAO because the GAO, frankly, has an opinion, maybe have it done by two of them, require two of them to do it, and report back to the Congress early next year, say in the February-March timeframe, such that we could hold a hearing in the Armed Services Committee and perhaps the Government Operations Committee, which has sort of plenary jurisdiction over Government agencies and Departments, and take a look at it. It might take root, and as such we would put it in as a part of next year's authorization bill. We could then go to our colleagues in the Senate and our colleagues in the other body and say: Look, we have carefully analyzed and studied, and this is our conclusion. I say to my good friend—not that I could teach him anything—knowing where the votes are, I am inclined to think there is probably a sufficient structure of votes here not to carry your amendment, and I would hate to see it lost, to be honest. And should it pass here, there is nothing in the House. And as you well know from more experience than I, that conference produces unpredictable results.

This is a good idea. This idea merits very careful attention and study. I would be the first to cosponsor with you if you were so desiring of amending your pending amendment to provide for a framework by which this concept is studied step by step before the Congress is called upon to render its judgment.

I say that with the greatest respect.

At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the proposal coming, as it does, from the distinguished chairman of the Armed Services Committee, gives me pause.

First, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. AKAKA, and Mr. LAUTENBERG, proposes an amendment numbered 2442.

Mr. BYRD. 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 printed in today's RECORD under ''Text of Amendments.'')

Mr. BYRD. Continuing, the Department of Defense has served our country well. But from time to time Congress

has needed to make changes, such as the Goldwater-Nichols Act, to fix problems that have arisen. We know what the problem is. The Department needs someone to dive in and fix these accounting problems. The GAO has told the Congress what is needed to fix these problems. My amendment does just that. One more year means more money spent. One might ask the rhetorical question, how many more years does Congress need to wait before it acts? I don't slough off the proposal nonchalantly or ''chalantly.'' I would like to think about that. Let me do just that. While the Senator from Nevada, Mr. ENSIGN, speaks, let me converse with the Senator from Virginia.

Mr. WARNER. Mr. President, I thank my dear colleague. I suggest, indeed, as Senator ENSIGN has looked into this, the Senate would benefit from his perspective. I suggest we make this the pending amendment, lay it aside such that the Senate can proceed to the votes on the other two amendments. I don't know that there is any urgency. As long as it is the pending amendment, it can be brought up at any time the Senator from West Virginia so desires, either to be amended or voted in its present framework. I would be happy to yield the floor for the purposes of the distinguished Senator from Nevada addressing the Senate on this important subject and confer with the Senator from West Virginia briefly. I have an appointment with the British Minister of Defense. He is in my office. I would like to keep that for a brief period and then return to the floor.

Mr. BYRD. Fine, if we could set this amendment aside until after the two votes. In the meantime, let the Senator from Nevada, Mr. ENSIGN, speak, and then have the amendment set aside until after the two votes. Meanwhile we can confer.

Mr. WARNER. Mr. President, I ask unanimous consent then that the Senator from Nevada be recognized for such time as he wishes to take on the Byrd amendment in its present configuration at the desk and then, at the conclusion of the remarks of the Senator from Nevada, we proceed to the scheduled votes under a previous order. Then immediately following the last vote, this becomes the pending amendment.

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

The Senator from Nevada.

Mr. ENSIGN. Mr. President, Senator BYRD has offered an amendment virtually identical to a piece of legislation that I brought forward because he has the same concerns I have. When I took over the chairmanship of the Readiness Subcommittee, the staff briefed me on various hearings that they do traditionally during the year. One of the hearings, the information that we got at the hearing, this piece of legislation was trying to address. It was the reason I drafted it, because I had literally the identical concerns Senator BYRD has raised today. Nothing he has said have I disagreed with. This happened last year. We used to have one of these hearings a year. I have actually stepped them up to every 6 months. We have a hearing tomorrow in the Readiness Subcommittee on this very issue, as well as others on the business transformation for the military.

The military is a huge bureaucracy that none of us have our arms around. The military doesn't have its arms around its own bureaucracy. There are incredible inefficiencies. The problem is, you get one person in; they are there for a year, maybe two. They say they are going to be making changes. They have been promising to make changes for years. And then nothing happens.

Last year, I was ready to proceed with my legislation. I met with Secretary England, and he asked me for 1 year. He said: Give me a year. I am new in this position. Give me a year. If you are not satisfied at the end of that year, if we haven't made significant progress, then go forward with your legislation.

I reluctantly said: OK. You are new. I liked some of the ideas he was laying out. He was going in the right direction. I said, reluctantly: I will give you the year.

Tomorrow we are having a hearing to see at least what progress they have made in the last 6 to 8 months. Depending on what happens at that hearing—from some of the preliminary results we have received, there is some progress being made—we are going to delve into it much more deeply tomorrow, plus what we see over the next several months. If we are not satisfied, I will be the first person to join the Senator from West Virginia on this legislation next year to create this position.

The reason I thought this was good, that it was a good idea to make this change, was because to have somebody focused on the business goings on at the Department of Defense made good common sense to me. I didn't want to see another layer of bureaucracy created. But with the Deputy Secretary of Defense, I didn't see them focused on the business activities. I saw them focused on warfighting activities—all well and good. We want them focused on that. But these other duties seem to be neglected at the same time.

I commit to the Senator from West Virginia that I am absolutely willing to work with him on this, with the same goals in mind; that is, to reform our Defense Department to make it more efficient, more accountable, more transparent in the way that it actually performs business. It is never going to operate like a business, but we have to get it to operate more like a business than it does today.

I think the spirit of this amendment is absolutely right. I would ask that we would either go the direction of what Senator WARNER has suggested or at least wait until next spring, when we go for reauthorizing the Defense Department again next year, to address this issue, simply because I made that personal commitment to Acting Deputy Secretary Gordon England.

I would be more than happy to yield back or engage in a colloquy or whatever the Senator from West Virginia would like at this point.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, if the Senator will yield, I have great respect for the Senator. I am interested in what he said. Let us confer a little bit and think a little bit about this during the two votes that are about to take place. Perhaps we can find out what the Senator from Nevada and the Senator from Virginia have in mind. Perhaps we can work out something that will be in the best interest of the country. I would like to think about that. I thank the Senator. Let's just hold it in abeyance for a little while until after the votes, and then we will come back to it.

Mr. ENSIGN. I thank the Senator from West Virginia.

Mr. President, parliamentary inquiry: If I yield the floor, we go directly to the votes?

The PRESIDING OFFICER. There is 2 minutes evenly divided preceding the votes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. 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. NELSON of Florida. Mr. President, I defer to my distinguished chairman.

AMENDMENT NO. 2424

Mr. WARNER. Mr. President, may I suggest the Senator go first, and then I would seek the opportunity for recognition to indicate that it is acceptable on this side. But if the Senator from Florida desires, I think there is good reason to have a rollcall vote as opposed to a voice vote.

Mr. NELSON of Florida. Mr. President, this amendment is all about the painful offsets of the Department of Defense survivor benefit plan against the Veterans' Affairs Department's dependency and indemnity compensation. This offset that we have in current law mistreats the survivors of our military who die on active duty and also mistreats our 100-percent disabled military retirees who purchase this benefit at the end of their career. It is wrong, we know it, and we are going to fix it. Taking care of widows and orphans is a cost of war. It is our solemn duty to take care of the widows and orphans.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that

there be printed in the RECORD a number of letters from military and veterans groups around the country.

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

MILITARY OFFICERS ASSOCIATION OF AMERICA,
Alexandria, VA, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR NELSON: I am writing on behalf of the 368,000 members of the Military Officers Association of America (MOAA) to pledge our support for your amendment, SA 2424, to the FY2006 Defense Authorization Bill. Your amendment would correct two major military Survivor Benefit Plan (SBP) inequities by (1) ending the unfair deduction of VA survivor benefits from military SBP annuities when military service causes an active duty or retired member's death and (2) moving up the effective date of 30-year, paid-up SBP coverage from October 1, 2008 to October 1, 2005.

MOM opposes Sen. John Warner's 2d degree amendment that would simply require a study of the SBP annuity deduction and drops the paid-up SBP initiative entirely.

MOM believes another study is not required to do what's right. We feel strongly that, when military service causes the member's death, the VA's payment of Dependency and Indemnity Compensation (DIC) should be considered just that—an additional indemnity for the service's role in the member's untimely death. It should be added to SBP, not substituted for it. Fewer than 3,500 of the 55,000 widows affected by the DIC offset are eligible for the new lump sum death benefit improvements leaving large numbers of survivors with an annuity of only $993 per month. Only survivors widowed after November 24, 2003 can transfer SBP eligibility to their children—this does nothing to help older survivors or those without children. Further, survivors who are financially compelled to take advantage of this temporary relief will be left at an even greater long-term disadvantage because they must forfeit all SBP eligibility when their children reach age 18. We should not be treating our survivors in this manner.

Similarly, older retirees need and deserve relief from the current 2008 effective date of paid-up SBP. The delayed effective date means that thousands of ''Greatest Generation'' retirees who have been paying into SBP since 1972 will have to pay up to 36 years of premiums, and will end up paying one-third more premiums than members who retired after 1978.

The time for action on your amendment is now. Failure to do so would do a disservice to the thousands of survivors and retirees who have waited years for relief from these two SBP inequities.

MOM is urging your colleagues, via a separate letters, to vote for your SBP amendment and oppose any effort to dilute or defer action on these long-overdue fixes for military widows and ''Greatest Generation'' retirees.

Sincerely,

NORBERT R. RYAN, JR.

THE RETIRED ENLISTED ASSOCIATION,
Alexandria, Virginia, November 7, 2005.

Re: SA 2424 ending the SBP/DIC offset.

Hon. BILL NELSON,
U.S. Senate,
Washington DC.

DEAR SENATOR NELSON: The Retired Enlisted Association (TREA) is writing to strongly support your efforts to include amendment SA 2424 in the NDAA. Your amendment would finally correct the SBP's programs remaining deficiencies. It would end the unfair dollar-for-dollar DBP/DIC Offset and it would move up the paid up provisions of SBP to October 1, 2005. These are improvements that have been long in coming.

TREA is a nationwide VSO whose members served a career in the enlisted ranks and their spouses and survivors. Both provisions of your Amendment would greatly improve the situation of numerous of our members.

TREA knows how hard you and your staff have worked on this issue. And now that success seems close at hand the ''DOD's opposition paper'' is presented to the Senate. It is incorrect. TREA is, of course, well aware of both the mentioned substantial improvements in death benefits and the improvements in the basic SBP plan that were adopted last year. And we were very grateful for both actions. However these improvements do not help the vast majority of military widows who suffer under this offset.

Most of these widows' military spouses were seriously disabled in the service of their country. When they retired they enrolled in SBP (commercial plans not being an option for them due to their disabilities.) They now pay 6½ percent of their retired pay to protect their loved ones from being left penniless if they died of a non service connected disability.

But when they died of their service connected disability their survivors suffer a dollar for dollar offset on their SBP for their DIC. All their planning and financial sacrifice is ineffective due to the offset. The improvements in the SBP payments made last year do not help them. The active duty death improvements do not help them. These ladies are not helped by any of the changes Congress has made in the last few years. They should not be forgotten.

Many of TREA's members' survivors are harmed by this offset. They, like their Service member spouse dedicated their lives to the service of their country. They then dedicated their lives to caring for their disabled spouses. Their service should be acknowledged.

Your Amendment would also move up the paid up provisions to the beginning of this fiscal year. This would help elderly military retirees who have been paying into SBP for at least 30 years and who are at least 70 years old. In 2008 the paid up provisions will kick in but many will be paying 6 more years than intended. They have surely paid in a great deal more into SBP than their spouses will ever receive and your change can allow these dedicated men and women to live with a bit more comfort the next few years.

Again, TREA wishes to thank you and your staff for your dedicated work to support the men and women who dedicated their lives to the service of America's Military. We strongly support your efforts to have SA 2424 included in this year's NDAA.

Sincerely,

DEIRDRE PARKE HOLLEMAN, ESQ.,
National Legislative Director,
The Retired Enlisted Association.

NATIONAL MILITARY FAMILY ASSOCIATION,
Alexandria, VA, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR NELSON: On behalf of the National Military Family Association (NMFA) and the military families it serves, I thank you for introducing Senate Amendment 2424 to S. 1042, the FY 2006 National Defense Authorization Act. This amendment provides for certain fixes to the Survivor Benefit Plan (SBP). The survivors of servicemembers killed on active duty and those of military retirees, who died of service-connected injuries or illnesses, deserve the financial stability that would be provided through the provision to end the Dependency and Indemnity Compensation (DIC) offset to SBP. In addition elderly retirees, who have paid into SBP for more than thirty years, deserve relief now instead of paying additional premiums until 2008.

As we have stated in Congressional testimony this year, NMFA believes that ending the DIC offset to SBP is essential in protecting both the long and short-term financial security of military survivors, especially those of career servicemembers. Many of these survivors find their monthly family income decreases substantially following the servicemember's death, due in large part to the DIC offset to SBP. Widows of retirees, who die of service-connected illnesses or injuries, also experience a decrease in their benefit income following the retiree's death. In recent years, Congress has ended the VA disability pay offset of military retired pay for retirees with a VA disability rating of 50 percent and higher and provided for the phase-out of the age-62 offset to SBP. Full receipt of both SBP and DIC is just as important to survivors as full concurrent receipt of VA disability pay and military retired pay has been to retired servicemembers. The DIC offset to SBP affects the most vulnerable members of our military community: the surviving spouses of those who have given their lives for our country. While surviving spouses of active duty deaths, who are affected by the offset, have the option of choosing child-only SBP, they do so knowing their DoD SBP benefits will end as soon as their child reaches adulthood. Child-only SBP payments do not compensate for the lost income caused by the DIC offset.

We thank you for your efforts to protect the financial security of military families by sponsoring this legislation to eliminate the DIC offset of SBP. Military families today are called upon to make extraordinary sacrifices. Survivors have made the ultimate sacrifices. Thank you for your work to ensure our Nation provides the full benefits due them in recognition of that sacrifice.

Sincerely,

CANDACE A. WHEELER,
Chairman/Chief Executive Officer.

NATIONAL ASSOCIATION FOR UNIFORMED SERVICES,
Springfield, VA, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR NELSON: On behalf of the nearly 200,000 members and supporters of the National Association for Unifonned Service (NAUS), I would like to offer our full support for your amendment to S. 1042, the fiscal year 2006 National Defense Authorization Act, that would correct two important inequities faced by our military widows and our military retirees.

Your amendment would 1.) end the unfair dollar-for-dollar deduction of the Defense Department's Survivor Benefit Plan against the Veterans Department's Dependency and Indemnity Compensation; and 2.) accelerate the effective date of paid-up SBP coverage to October 1, 2005 from October 1, 2008.

Many military members and retirees have paid for SBP and have the most obvious of expectations to receive what was paid for. Surprisingly, that's not what happens. Under current law, SBP is reduced one dollar for each dollar received under DIC. In some cases survivors of retirees, upon eligibility for DIC, lose a majority—or all too often—the entire amount of their monthly SBP annuity.

NAUS also strongly opposes any effort to postpone an up-or-down vote on your amendment. In this regard, we oppose Sen. John Warner's 2nd degree amendment that would send the SBP issue to the Veterans Disability Benefits Commission for further study. Frankly, we are deeply disappointed in efforts to postpone doing what is right for military widows and orphans and older veterans who have paid SBP premiums in some cases for well over 30 years.

NAUS believes this matter already has been studied, restudied, examined and re-examined. No further study is required. Now is the time to act. And we urge you and your colleagues to do the right thing.

Sincerely,

RICK JONES,
NAUS Legislative Director.

ASSOCIATION OF THE UNITED STATES ARMY,
Arlington, VA, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR NELSON: On behalf of the more than 100,000 members of the Association of the United States Army (AUSA), I am writing to reinforce our support for your Survivor Benefit Plan (SSP) amendment (SA#762) to the Defense Authorization Bill. AUSA strongly opposes any effort to dilute or delay action on the fixes it proposes to the military SBP.

We understand that Senator Warner plans to introduce a ''second-degree'' amendment on Monday, 7 November, that would nullify your initiative to (1) end the unfair deduction of VA benefits for service-connected deaths from military survivors' SBP annuities and (2) accelerate the 2008 effective date for 30-year paid-up SBP coverage that now makes ''Greatest Generation'' retirees pay one-third more SBP premiums than similar servicemembers who retired since 1978.

The Warner amendment would drop any reference to the paid-up SBP fix and merely call for a study of the survivors' issue. Action on the two inequities in SA#762 is already long overdue, and military retirees and survivors need action to fix them now, rather than more delays, studies, and deferrals.

AUSA stands firm in support of your SBP amendment and opposes any and all efforts to dilute, defer, or nullify it.

Sincerely,

GORDON R. SULLIVAN,
General, USA Retired.

AIR FORCE SERGEANTS ASSOCIATION,
Temple Hills, MD, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR NELSON: On behalf of the 130,000 members of the Air Force Sergeants Association, I thank you for introducing Senate Amendment 2424 to S. 1042, the FY 2006 National Defense Authorization Act.

This amendment would end the Dependency and Indemnity Compensation (DIC) offset to SBP. These spouses of military members also served their nation, facing the rigors of that lifestyle, constantly being aware that their military spouse has agreed to the ultimate sacrifice. It is important to keep our Nation's promises to those who have served and sacrificed for our freedoms. That includes taking care of their survivors.

We are especially pleased that your amendment would accelerate the implementation date of the ''age 70, 30 years paid up'' provision from October 1, 2008, to October 1, 2005. This group of elderly retirees has been paying into SBP for more than thirty years. Without question, they deserve the immediate relief your amendment would provide.

During times of war it is importaut that a nation communicate its sincerity to take care of its service members. AFSA appreciates your leadership on this issue. Please let us know what we can do to help you advance this important legislation.

Sincerely,

JAMES E. LOKOVIC,
Deputy Executive Director and Director of Military & Government Relations.

EANGUS,
Alexandria, VA, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR NELSON: On behalf of the enlisted men and women of the Army and Air National Guard, we thank you for offering an amendment to the FY 2006 National Defense Authorization Act (NDAA) to address current inequities in the military Survivor Benefit Plan (SBP) program.

Your amendment will address the current dollar for dollar deduction of VA benefits for service-connected deaths from the survivors' SBP annuities. In the case of service members killed on active duty, a surviving spouse with children can avoid the dollar-for-dollar offset only by assigning SBP to her children. For retired members, we support your view that if military service causes a retired member's death, the Dependency Indemnity Compensation (DIC) the VA pays the survivor should be added to the SBP benefits the retiree bought and paid for, not substituted for them.

The Enlisted Association of the National Guard of the United States strongly supports your amendment to address these concerns. If I can be of further assistance, please don't hesitate to contact us.

Working for America's Best!

MSG (Ret.) MICHAEL P. CLINE,
Executive Director.

UNIFORMED SERVICES DISABLED RETIREES,
Las Cruces, NM, November 4, 2005.

DEAR SENATORS: No bombastic prose, so let's cut to the chase. Please pardon the lack of formal addressing as this is being faxed to all 100 of you United States Senators.

Today, I learned that Sen. John Warner, Chairman of the Senate Armed Services Committee, will offer an amendment to the FY2006 Defense Authorization Sill that would defer action on two top USDR legislative goals for 2005—fixing two significant inequities concerning the military Survivor Benefit Plan (SBP).

Current law reduces SBP for survivors of members whose death was caused by military service. In those cases, the survivor is entitled to an annuity from the VA (currently $993 a month for a spouse), and the SBP payment is reduced by that amount. In other words, this is a ''widow's tax'' because it wipes out the SBP annuity. USDR believes that, if military service causes the member's death, the VA indemnity payment should be added to SBP, not substituted for it.

The other SBP inequity affects older retirees already enrolled in SBP. Congress passed a law in 1998 authorizing paid-up SBP coverage for retirees who have attained age 70 and paid SBP premiums for 30 years (360 payments). This would allow such retirees to stop paying premiums while retaining coverage for their spouses. But Congress delayed the effective date of that law until October 1, 2008, which thousands of retirees who enrolled in SBP in 1972 will have to pay premiums for 36 years—and end up paying about one-third more SSP premiums than similar members who retired after 1978.

Sen. Warner's amendment would negate an amendment proposed by Sen. Bill Nelson (D–FL) to end these two major SSP inequities as of October 1, 2005. The Warner amendment would cancel Sen. Nelson's proposals entirely and substitute language calling for a study of the VA/SBP issue. Dare say I that this is so much Equine Scatology?

These issues have been studied ad nauseum. There is no further need for more impotent studies. There is need for affirmative action.

Please vote NO on any amendments to study, delay, or cancel Sen. Nelson's proposed amendments to correct this gross inequity heaped upon our widows.

CHARLES D. REVIE,
LTC, USAR, Retired, Legislative Director.

COMMISSIONED OFFICERS ASSOCIATION,
Landover, MD, November 7, 2005.

Hon. BILL NELSON,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR NELSON: I am writing to support your SBP amendment (SA #762) to the 2006 Defense Authorization Bill. The Commissioned Officers Association of the U.S. Public Health Service most strongly opposes any effort to dilute or delay action on the fixes it proposes to the military Survivor Benefit Plan.

This Association is firmly opposed to Senator Warner's plans to introduce a ''second-degree'' amendment on Monday, 7 November, that would nullify your initiative to (1) end the unfair deduction of VA benefits for service-connected deaths from military survivors' SBP annuities and (2) accelerate the 2008 effective date for 30-year paid-up SBP coverage that now makes ''Greatest Generation'' retirees pay one-third more SBP premiums than similar servicemembers who retired since 1978.

Action on these two inequities is already long overdue and uniformed service retirees and survivors need action to fix them now, rather than more delays, studies, and deferrals.

COA and the entire Military Coalition urge you to stand firm with your SBP amendment and oppose any and all efforts to dilute, defer, or nullify it

Sincerely,

GERARD M. FARRELL,
Captain, U.S. Navy (Ret.), Executive Director.

Mr. JEFFORDS. Mr. President, I wish to express my support of Senator BILL NELSON's amendment to improve benefits for the survivors of America's servicemembers. This is a very important amendment that deserves the Senate's support.

Under current law, annuity payments received under the survivor benefit plan are reduced, dollar for dollar, by benefits received from the VA's dependency and indemnity compensation program.

This is not fair. Servicemembers pay into the survivor benefit plan and they expect that their surviving spouse and children will receive these benefits upon their death. But if the servicemember's surviving spouse is also entitled to dependency and indemnity compensation, then the benefits of the survivor benefit plan are significantly reduced.

Families who have lost a servicemember often face a very difficult future. Military death benefits are a significant help but often fall far short of providing for a secure future for a family. To further reduce a family's income by offsetting survivor benefit

plan benefits seems cruel. This amendment would end this offset. It is imperative that we do so now.

Enactment of this amendment would also correct another injustice. Congress has authorized military retirees who reach 70 years of age and who have paid survivor benefit plan premiums for at least 30 years to retain coverage while ceasing any further premium payments. Unfortunately, the effective date of this provision has been pushed out to October 1, 2008. This forces retirees to continue paying these premiums, even though, in some instances, they have been paying premiums for 36 years. This amendment would remove this unfair requirement and allow military retirees who have paid great amounts into their annuity plan to cease their payments after 30 years, just as Congress intended.

Passage of this amendment is urgent. The families of deceased servicemembers are dealing with a great deal of stress. They need the financial benefit provided by this amendment. Military retirees, likewise, deserve the relief now that Congress intended to give them.

It has been suggested that we postpone action on this matter until after the Commission on Veterans' Disability Compensation can study the larger issue of disability compensation. While the work of the Commission is very important, it is clear to me that the benefits provided by this amendment are of paramount importance and should not wait for the conclusion of a more exhaustive study of the disability compensation system. We must stand four-square behind those who have given their life for their country and behind those who have served their country for their entire career.

I urge my colleagues' support for the Nelson amendment.

Mr. LEVIN. Mr. President, I ask unanimous consent that I may proceed for 2 minutes in support of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

I commend the Senator from Florida. He has been a passionate supporter of this cause for so long. He has had some success but not the full success which he deserves and which the widows and orphans in this country deserve and which the survivors and our disabled people in this country deserve, people who have given so much. So I want to add my voice in support. I think a strong vote will make the Senate more able to maintain this position in conference with the House.

I congratulate and thank the Senator from Florida, Mr. NELSON, for his tenacity on this issue.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I again join my colleague from Michigan and our distinguished colleague, a member of the committee. As the Senator says, it is all about veterans, and this is a most deserving class. This is the group that has done a minimum of 20 years, and a loyal spouse that has gone through all of the challenges that face families in career military service.

This is something that has been studied in the Congress for a very long time. It is the subject of a study now. As a matter of fact, it is going to be the centerpiece of a study. As you know, Mr. President, we have the commission on the future of the Guard and Reserve and retirees, and so forth, constituted by the Congress, which has now had its first meeting.

So I urge colleagues on this side of the aisle to follow my lead and support the amendment of the Senator from Florida.

There was a time in which I thought I would try to work on a second-degree amendment. In consultation with a wide range of my colleagues who have expressed strong support, as I have, we decided not to do that. And then there was the thought about, you know, it is a technical thing under the Budget Act. But I don't think it is appropriate to go through that exercise.

So I suggest to all Members of the Senate to give a ringing endorsement to this amendment, and I will be among those to cast the first ''yea'' vote.

Again, I congratulate my colleague.

Mr. NELSON of Florida. I thank the Senator.

Mr. WARNER. Mr. President, under regular order, if the yeas and nays have not been ordered, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, do we have two votes now scheduled?

Mr. WARNER. We do.

I think perhaps we should ask for the yeas and nays on the Snowe amendment at this time.

Mr. LEVIN. Will that be a 10-minute vote?

Mr. WARNER. That will be a 10-minute vote on that amendment.

The PRESIDING OFFICER. Without objection, it is in order to request the yeas and nays on the amendment at this time.

Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Under the original order, we were to have the Byrd amendment which would experience the full length of time for an amendment. This was subject to 10 minutes. I think we had better reconstitute that UC to say that this amendment will be given the full 15 minutes, the Snowe amendment to have the 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I will not, of course, has the Byrd amendment either been adopted—

Mr. WARNER. It is laid aside temporarily to come up at the conclusion of the Snowe amendment. And then, of course, prior to the Senate addressing a vote on the Snowe amendment, there will be 2 minutes for each side to address that amendment. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—93

Akaka	Domenici	Lugar
Alexander	Dorgan	Martinez
Allen	Durbin	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Burr	Hatch	Rockefeller
Byrd	Hutchison	Salazar
Cantwell	Inhofe	Santorum
Carper	Inouye	Sarbanes
Chafee	Isakson	Schumer
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Cochran	Kennedy	Snowe
Coleman	Kerry	Specter
Collins	Kohl	Stabenow
Conrad	Kyl	Stevens
Cornyn	Landrieu	Sununu
Craig	Lautenberg	Talent
Crapo	Leahy	Thomas
Dayton	Levin	Thune
DeWine	Lieberman	Vitter
Dodd	Lincoln	Warner
Dole	Lott	Wyden

NAYS—5

Allard	DeMint	Voinovich
Coburn	Sessions	

NOT VOTING—2

Corzine	McCain

The amendment (No. 2424) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. SCHUMER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2441

Mr. REID. Mr. President, I have an amendment that I send to the desk.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment?

Mr. WARNER. Mr. President, there is no objection. We have examined the amendment. It is a technical amendment that is needed by the Department of Defense to administer this program and the Department of Veterans Affairs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2441.

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

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

The amendment is as follows:

(Purpose: To provide that veterans with service-connected disabilities rated as total by virtue of unemployability shall be covered by the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for military retirees)

At the appropriate place in title VI, add the following:

SEC. ___. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by inserting "or a qualified retiree receiving veterans' disability compensation for a disability rated as total (within the meaning of subsection (e)(3)(B))" after "rated as 100 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

Mr. REID. Mr. President, I rise today on behalf of our Nation's veterans to once again discuss the unfair, outdated policy of "concurrent receipt." It is an issue I have talked about on this floor many times.

Concurrent receipt is a policy which prevents veterans from receiving the full pay and benefits they have earned. Many Senators have joined me in fighting this policy over the years, and we have made some progress on behalf of our veterans.

In 2003, the Congress passed legislation which allowed disabled retired veterans with at least a 50 percent disability rating to become eligible for full concurrent receipt benefits over a 10-year period. This was a significant victory that put hundreds of thousands of veterans on the road to receiving both their retirement and disability benefits.

Last year, we made a little more progress. I joined with Senator LEVIN and others, and we were able to eliminate the 10-year phase in period for the most severely disabled veterans, those with a 100 percent disability rating.

As we noted at that time, the 10-year waiting period is particularly harsh for these veterans, some of whom would not live to see their full benefits restored over the 10-year period, and others who could not work a second job and were in fact considered "unemployable." So we passed legislation to end the waiting period and provide some relief to these deserving, totally disabled veterans.

Unfortunately, as I noted on this floor a few months ago, the administration has failed to implement our legislation. Instead of eliminating the waiting period for veterans who are 100 percent disabled, they have eliminated it only for some.

They have created two categories of disabled veterans. If you are rated as "totally disabled," you do not have to wait. You get 100 percent of your benefits today. But if you are rated as "unemployable," you still have to wait.

This is not what we intended when we passed legislation last year. And earlier in this session, a number of Senators and I sought to correct this disparity.

We passed a sense of the Senate resolution that clearly expressed our intentions: all completely disabled veterans should have their benefits restored immediately. This was not an attempt to make law, but merely to express what my colleagues on both sides of the isle intended when we passed legislation last year.

Unfortunately, the majority-controlled conference committee removed this resolution. So today, veterans rated as "unemployable" continue to face this delay.

This is not a partisan issue. These veterans do not have 10 years to wait for the full phase in of their benefits. It is time for the administration to stop playing games and start honoring these veterans service.

For all other purposes, both the VA and the Defense Department treat "unemployables" exactly the same as those with a "totally disabled" ratings.

In fact, these unemployables must meet a criterion that not even the 100 percent-rated disability retirees have to meet. They are certified as unable to work because of their service-connected disability. The administration pays equal combat-related special compensation to both categories.

Yet, the administration is discriminating unemployables and 100 percent disabled retirees with non-combat disabilities in flagrant disregard for the letter of the law as interpreted its own legal counsel.

So once again, I rise on these veterans' behalf. Today I introduce amendment No. 2441, legislation which explicitly ends the 10-year waiting period for the most disabled veterans.

The time to act is now.

I hope my Republican colleagues will join me in supporting this bill. These veterans have faced arbitrary discrimination long enough. We must pass this legislation, so that these veterans can get the benefits they deserve.

THE PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment.

The amendment (No. 2441) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2436

Mr. WARNER. Mr. President, we will now return to the vote on the Snowe amendment, am I correct?

The PRESIDING OFFICER. The Senator is correct. There are 2 minutes evenly divided.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes, they have.

The Senator from Maine.

AMENDMENT NO. 2436, AS MODIFIED

Ms. SNOWE. Mr. President, I ask unanimous consent to modify my amendment with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 2436), as modified, is as follows:

On page 5, after line 16, insert the following:

(e) NO EFFECT ON CERTAIN PROPERTY INTERESTS.—Nothing in this section or the amendments made by this section shall be construed to affect any reversionary interest, remainder interest, executory interest, right of entry, or possibility of reverter held in real or personal property at a military installation closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

Mr. SNOWE. Mr. President, the amendment that I and Senator COLLINS have offered, which is cosponsored by Senators WYDEN, CORZINE, and LANDRIEU, would require that, when making determinations concerning the transfer of property at installations to be closed or realigned under the current BRAC round, the Secretary of Defense must first offer that property to the affected communities—and if they accept the offer—transfer it to those communities free of cost.

It is a perverse situation when communities that have already contributed toward the more than $200 billion spent on the war in Iraq—$28.5 billion of which was spent on redevelopment efforts in that country—and now face base realignments or closures—are being told that, if they want property for economic recovery, they will have to buy it at fair market value.

Our communities should be in the driver seat concerning their economic development, but that is not what current statute allows—instead, putting these irrevocable decisions in the hands of the Department of Defense. Our amendment puts the priority where it belongs—with our towns and cities, not a Federal bureaucracy.

Now, some have argued the amendment would change a time-tested framework of laws that dictate how properties should be transferred following a base closure or realignment and that ensure that all base rounds are treated consistently. I say Defense Base Closure and Realignment Act is not sacrosanct—it has changed many times in the past—and will again. In fact, for the first time ever, the Secretary of Defense is mandated to seek fair market value, in the case of an economic development conveyance to a community for redevelopment purpose.

Now that's a change that should engender concern!

Opponents also expressed concerns that the amendment would in some way affect existing reversionary interests in deeds, which provide that upon a closure or realignment, installation property would revert back to a community interest. We have modified it today, clarifying that nothing in the amendment shall be construed to affect any reversionary interest in property at the installation.

As for protecting the pre-existing rights of Native Americans my friend and colleague, Senator WARNER, was correct in noting that my amendment contains a provision explicitly retaining those rights.

Additionally, the amendment would not inhibit various military or Federal agency uses of this property—or impede public benefit transfers for schools or parks. Communities would retain the ability to proceed with such opportunities, if they deem them beneficial. Conversely, if there is a use that a community drastically opposes, like an oil refinery prison—it should have the ability to oppose it . . . which the amendment allows. Still, the amendment does contain an exception providing the Secretary of Defense the authority to make transfers in the national security interest of the United States.

Finally, to suggestions that base property is owned by the entire nation, and that it is not necessarily fair to provide it to affected communities, I could not disagree more.

According to the Government Accountability Office, the DoD has saved as a result of BRAC closures—about $28.9 billion in net savings through fiscal year 2003 from the prior four closure rounds, and is projected to save $7 billion annually thereafter. While the entire Nation can financially benefit from these savings associated with BRAC closures, it is crucial to note that the negative impacts of base closures are disproportionately and unfairly borne by the communities where bases have closed. That is why it is a responsible course of action for the government to provide these communities with the tools and resources, such as required no-cost economic development conveyances, needed to recover from a closure.

The modification to the amendment that I offered yesterday would address the concerns raised about whether my amendment would have changed reversionary interests in deeds, which would provide that upon closure and realignment, installation property would revert back to a community interest. We have modified it today, clarifying that nothing in the amendment shall be construed to affect any reversionary interest in property at the installation, and that was to address some of the concerns raised with respect to my amendment.

To remind Members, the amendment I am offering today, on behalf of myself, Senator COLLINS, Senator LOTT, Senator LANDRIEU, Senator WYDEN, and Senator CORZINE, would allow for the free transfer of closed military bases to communities directly affected rather than allowing the Secretary of Defense to demand fair market value.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator's time has expired.

Who yields time in opposition?

Mr. WARNER. Mr. President, I speak in strong opposition to this amendment. I thank the Senator from Maine for accepting a number of the problems that I described yesterday, but there still exists an enormous number of problems associated with this amendment.

For 16 years and five BRAC rounds, we have tried, in an equitable way, to work with the communities and return these properties. On occasion, they have been sold and funds given to the Department of Defense, put in an escrow account in the Treasury for expenditure of cleanup of other sites and associated costs connected with the transfer of properties and the conclusion and implementation of the BRAC decisions. This would wipe out that whole framework of legislation that has been passed by this body and has effectively worked for the communities for all of these years. We simply cannot, at this point in time, accept this type of change in our statutory framework as a matter of equity.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I too object to the amendment. It is inflexible. It provides no possibility that no matter how valuable——

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announcd—yeas 36, nays 62, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—36

Bayh	Harkin	Obama
Bond	Hutchison	Pryor
Cantwell	Inouye	Roberts
Clinton	Jeffords	Schumer
Coleman	Kerry	Smith
Collins	Kohl	Snowe
Conrad	Landrieu	Stabenow
Dodd	Lautenberg	Sununu
Dorgan	Lincoln	Talent
Durbin	Lott	Thune
Gregg	Mikulski	Vitter
Hagel	Murray	Wyden

NAYS—62

Akaka	Allard	Baucus
Alexander	Allen	Bennett
Biden	Dole	Martinez
Bingaman	Domenici	McConnell
Boxer	Ensign	Murkowski
Brownback	Enzi	Nelson (FL)
Bunning	Feingold	Nelson (NE)
Burns	Feinstein	Reed
Burr	Frist	Reid
Byrd	Graham	Rockefeller
Carper	Grassley	Salazar
Chafee	Hatch	Santorum
Chambliss	Inhofe	Sarbanes
Coburn	Isakson	Sessions
Cochran	Johnson	Shelby
Cornyn	Kennedy	Specter
Craig	Kyl	Stevens
Crapo	Leahy	Thomas
Dayton	Levin	Voinovich
DeMint	Lieberman	Warner
DeWine	Lugar	

NOT VOTING—2

Corzine	McCain

The amendment (No. 2436), as modified, was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I understand we will now proceed to a brief colloquy between colleagues on both sides of the aisle with regard to the Levin amendment. That colloquy should, in total, not exceed about 10 or 11 minutes, and then we will proceed to a rollcall vote. At this time, shall we ask for the yeas and nays on the Levin amendment?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I talked to the manager, the chairman of the committee, about this. I ask unanimous consent there be 6 minutes allotted on our side in support of the amendment and that 3 minutes be allotted to the Senator from Virginia and that we then vote by no later than 25 to 6.

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

Mr. WARNER. Mr. President, may I remind colleagues we will try to maintain this as a 15-minute vote because thereafter we have a vote on the amendment of the Senator from Rhode Island and we want not to inconvenience several Members who have very legitimate reasons to not be present after these two votes.

Mr. BYRD. Mr. President, I was hoping we would have a vote on the amendment which I had offered earlier, or in relation thereto, a rollcall vote.

Mr. WARNER. On our side, we would be happy to accommodate that vote following the vote on the amendment of the Senator from Rhode Island.

Mr. LEVIN. Is it my understanding the Senator from West Virginia would accept a voice vote?

Mr. BYRD. No.

Mr. WARNER. I want to make it known now that the Senator from West Virginia has substantially revised his amendment in accordance with recommendations, if I may say with a

sense of humility, that I made. He fully adopted those. I am going to support the amendment strongly, so it should be a very swift vote. No further debate would be required except for maybe a minute for you and a minute for me.

Mr. BYRD. Will that occur this day?

Mr. WARNER. Mr. President, I ask unanimous consent that following the 10-minute vote on the matter raised by the Senator from Rhode Island that we proceed to a third vote of 10 minutes on the amendment of the distinguished Senator from West Virginia.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I wonder if the Senator from West Virginia would modify that so that the vote on the Byrd amendment would come immediately after the vote on my amendment and then we would proceed to the vote on the Reed-Levin amendment?

Mr. WARNER. I have no objection.

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

The Senator from Michigan.

AMENDMENT NO. 2430

Mr. LEVIN. I ask unanimous consent that Senators LAUTENBERG, FEINSTEIN, BIDEN, and AKAKA be added as cosponsors of amendment No. 2430.

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

Mr. LEVIN. Mr. President, this is an amendment that would create an independent commission that would look into allegations of detainee abuses. I yield myself 2 minutes and then I will yield 2 minutes to the Senator from Delaware and then 2 minutes to the Senator from Illinois, if he is here.

There are major gaps in the investigation which has taken place so far. We have heard a lot about the number of hearings that have been held. We have heard that 12 major investigations have taken place, 30 open hearings, 40 closed hearings, and so forth. None of the hearings, none of the investigations, have gotten to five areas. These are huge gaps, and we cannot sweep these gaps under the rug.

No. 1, none has looked at the role of the intelligence community, the CIA role, secret prisons, ghost detainees. It is a huge area which needs to be focused on.

No. 2, the Government policy on renditions, there has been no review of this.

No. 3, the role of contractors, there has been no investigation of the role of contractors.

No. 4, the legality of interrogation techniques, there has been no assessment of the legality of interrogation techniques.

There are two memos we have not been able to obtain that an independent commission with subpoena power could obtain, the second so-called Bybee memo and the March 3 memo from Mr. Yoo to the Department of Defense. They set forth what is allowed in terms of interrogation techniques. We cannot get those memos. An independent commission, a bipartisan commission based on the 9/11 model, could get those memos. They are critically important. And there are additional outstanding document requests which have been ignored.

This matter cannot be swept under the rug. No matter how many hearings have been held, there are major gaps that exist in reviewing this matter. We owe it to our troops, the men and women who wear the uniform for the United States, that we get the full picture and get it behind us. That is what is essential to restore the credibility of this Nation as well as to support the men and women who someday may be captured by our enemy, and we sure don't want any enemy of ours to ever cite that we ignored the violations that apparently have existed.

I now yield 2 minutes to the Senator from Illinois and then 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I rise in strong support of this amendment, and I am honored to be an original cosponsor.

We owe this to our troops. Anyone who came to the Chamber and heard the speech given by Senator JOHN MCCAIN about an amendment which he offered to the Defense appropriations bill will understand it was a historic statement. Senator MCCAIN, a prisoner of war in Vietnam and a person who was the victim of torture, said it was imperative that we make it clear to our troops what the standard of conduct would be.

What Senator LEVIN has done is to call together an inquiry as to whether we have violated this standard in the past and what the standard will be for the future. When we receive correspondence from our troops, who are risking their lives for America today, begging us to not only stand up for American values but to do it with clarity, we owe them that responsibility.

When the President announces in South America that we are opposed to torture while the Vice President is carving out exceptions for torture in legislation before Congress, there is no clarity.

Senator LEVIN and his leadership will bring us to clarity and to honesty, consistent with the American values which our troops are fighting to defend.

I yield the floor.

Mr. BIDEN. Mr. President, back in January I used a similar amendment for the first bill I introduced this year. There is a simple reason for it: It is more clear it is needed now. We have to take this out of politics. As long as we are involved, we will argue this about Democrat-Republican. It is not about Democrat-Republican. The world has changed. It has changed utterly.

The fact is we need a clear-eyed assessment of where we are in this changed world. This is a lot less about them—that is, the prisoners and the terrorists. It is much more about us and our troops. I wonder what happens the first time an American troop is captured anywhere in this or a future war and turned over to the secret police of that country, taken to a spot that no one knows, one that is clandestine. I wonder what happens then.

It is all about where we stand as a nation, about our values. We are in, as everyone says in this Senate, a battle for the hearts and minds of 1.2 billion people who share a different religion and maybe a different point of view. We are hurting, not helping, our troops. We are hurting, not helping, our cause. We have to have a clear-eyed resolution of it. The clearest way to do this is through a commission.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I stand in opposition to the amendment for many reasons which I have stated on three previous occasions, including early this morning addressing this amendment.

The distinguished Senator from Delaware talked about looking forward to our troops. I draw the attention of colleagues to Defense Department directive No. 3115.09 issued on the 3rd of November of this year in which they set forth the new regulations and rules with regard to treatment of prisoners. The directive provides overarching policy to the Department. It codifies existing departmental studies, including the requirement for humane treatment of captured or detained persons during intelligence interrogation and questioning, assigns responsibilities for interrogation planning and training, and establishes requirements for reporting violations of the policy regarding humane treatment.

Section 3443 is a directive addressing some specific abuse detailed in past investigations. The directive specifically requires the Central Intelligence Agency interrogation must follow Pentagon guidelines when questioning military prisoners and that a DOD representative be present. Further, this release should be followed by the revision of the Department of the Army Field Manual which is the subject of the McCain amendment, which I strongly support, on interrogations which this Senate overwhelmingly directed become the U.S. standard as part of the amendment proposed by Senator MCCAIN.

Our Government collectively is moving in the right direction to correct the problems of the past, clearly, such that the whole world knows how our Nation stands against this type of abuse that occurred in the past. I strongly urge our colleagues not to start up another commission in the middle of our war in Iraq and Afghanistan, and for the next year or 18 months begin to go over the material which this Senate time and time again has addressed in debates, on which our Committees on Foreign Affairs, Intelligence, and Armed Services have reviewed this question with some dozen investigations conducted by our

Government, largely the Department of Defense.

I yield the floor.

ORDER OF PROCEDURE

I have an agreement regarding future votes so Senators can make their plans. I ask consent following debate on the Levin amendment, which is now concluded, Senator REED be recognized to speak for not more than 5 minutes in relation to his amendment; further, that following the statement, the Senate proceed to a series of stacked votes in relation to the following amendments: Levin amendment 2430; Byrd amendment 2442, as modified; and the Reed amendment 2427.

There is no time here for Senator BYRD. I amend this to allow 2 minutes by Senator BYRD and a minute by the Senator from Virginia who intends to support Senator BYRD.

Further, provided that no second degrees be in order to the amendments prior to the votes. Finally, there be 2 minutes equally divided between the votes.

Mr. LEVIN. There is an objection.

We reversed the order, No. 1, and there needs to be time for debate before one of those amendments. I urge there be a unanimous consent agreement entered into now that after this vote we proceed immediately to a vote on the Byrd amendment, and between this vote and the vote on the Byrd amendment, we work out an agreeable unanimous consent.

Mr. WARNER. We will now proceed to the debate on your amendment.

Mr. LEVIN. The vote on my amendment immediately as we agreed upon, and then we go immediately to the Byrd amendment. Between the vote here on my amendment and the Byrd amendment, we work on a unanimous consent relative to the other amendment.

Mr. WARNER. In no event would we lose the opportunity to have the votes.

Mr. LEVIN. I hope not, but we have not agreed with that yet. We have to clear that with our leader.

Mr. REED. There was initially a 5-minute opportunity for me to speak on my amendment. Will that take place immediately or be postponed until after the vote on the Levin amendment?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I will restate the unanimous consent request in the hopes it can be agreed to.

I ask consent that following debate on the Levin amendment—that debate has taken place—we go to the Byrd amendment. That would require 2 minutes by the Senator from West Virginia, 1 minute by the Senator from Virginia, following the vote on the Levin amendment, and then we proceed to the Reed amendment with 5 minutes on both sides with regard to debate prior to the vote on the Reed of Rhode Island amendment.

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

The question is on agreeing to the Levin amendment.

The yeas and nays have been ordered. The clerk will call the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—43

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Harkin	Nelson (FL)
Biden	Inouye	Obama
Bingaman	Jeffords	Pryor
Boxer	Johnson	Reed
Byrd	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Carper	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Wyden
Dorgan	Lieberman	
Durbin	Lincoln	

NAYS—55

Alexander	DeWine	Murkowski
Allard	Dole	Nelson (NE)
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Grassley	Snowe
Burr	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McConnell	

NOT VOTING—2

Corzine	McCain

The amendment (2430) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Under the previous order, the Senate turns its attention to the amendment by the Senator from West Virginia, with 2 minutes of debate on either side, a 10-minute vote, to be followed by the Reed amendment, 5 minutes by the Senator from Rhode Island, and 2 or 3 minutes to the Senator from Virginia. Then that is a 10-minute vote.

AMENDMENT NO. 2442, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia has 2 minutes, and the Senator from Virginia has 1 minute.

The Senator from West Virginia.

Mr. BYRD. Mr. President, the Pentagon continues to have massive management problems. The GAO believes that billions of taxpayer dollars could be saved each year, if these problems can be straightened out. This modification to my amendment would require an expedited study on whether there should be a Deputy Secretary of Defense for Management to take charge of fixing the Pentagon's accounting problems. I thank the cosponsors of my modified amendment: Chairman WARNER, Senator ENSIGN, Senator AKAKA, and Senator LAUTENBERG. I am encouraged by Chairman WARNER's intention to hold further hearings in the Armed Services Committee once these reports are submitted to Congress.

Fixing the pervasive—I mean pervasive—accounting problems at the Department of Defense will require more hearings, more oversight, and more accountability. I took note of this some years ago when Secretary Rumsfeld first appeared before the Armed Services Committee. He admitted there was a problem, a very difficult problem. He indicated he was going to do something about it. I think he needs help.

I look forward to working with my colleagues in the coming months to set the Pentagon on an accelerated track for reform.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I strongly urge colleagues to support the Byrd-Warner amendment. I am the principal cosponsor. I commend my distinguished colleague from West Virginia. The Department of Defense was established in 1947, over a half century ago. It has served the Nation well, but there have been many changes. This will give the Armed Services Committee, the Government Operations Committee, perhaps other committees of Congress, a chance to take a good look at that Department and how best, if necessary, to restructure it to meet the future challenges before us.

I thank the Senator from West Virginia. I urge all Senators to vote in favor of the amendment.

Mr. BYRD. I thank the Senator from Virginia.

Mr. LEVIN. I ask unanimous consent that I be added as a cosponsor to the Byrd amendment, and I congratulate him on trying to address a problem which is endemic. It seems perpetual. I believe it is going to take all the energy of this body and the other body to force them to make the kind of changes this could lead to. I congratulate the Senator.

Mr. BYRD. I thank the distinguished senior Senator from Michigan.

The PRESIDING OFFICER. Does the Senator seek to modify the pending amendment?

Mr. BYRD. Yes, the modification is at the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

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

SEC. ___. REPORT ON ESTABLISHMENT OF A DEPUTY SECRETARY OF DEFENSE FOR MANAGEMENT.

(a) Not later than 15 days after the enactment of this Act, the Secretary of Defense

shall select two Federally Funded Research and Development Centers to conduct independent studies of the feasibility and advisability of establishing a Deputy Secretary of Defense for Management. Each study under this section shall be delivered to the Secretary and the congressional defense committees not later than March 15, 2006.

(b) CONTENT OF STUDIES.—Each study required by this section shall address—

(1) the extent to which the establishment of a Deputy Secretary of Defense for Management would:

(A) improve the management of the Department of Defense;

(B) expedite the process of management reform in the Department; and

(C) enhance the implementation of business systems modernization in the Department;

(2) the appropriate relationship of the Deputy Secretary of Defense for Management to other Department of Defense officials;

(3) the appropriate term of service for a Deputy Secretary of Defense for Management; and

(4) the experience of any other federal agencies that have instituted similar management positions.

(c) For the purposes of this section, a Deputy Secretary of Defense for Management is an official who—

(1) serves as the Chief Management Officer of the Department of Defense;

(2) is the principal advisor to the Secretary of Defense on matters relating to the management of the Department of Defense, including defense business activities, to ensure department-wide capability to carry out the strategic plan of the Department of Defense in support of national security objectives; and

(3) takes precedence in the Department of Defense immediately after the Deputy Secretary of Defense.

Mr. WARNER. My understanding is the yeas and nays have been ordered on the amendment, as modified.

The PRESIDING OFFICER. They have not been ordered.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—97

Akaka	Boxer	Clinton
Alexander	Brownback	Coburn
Allard	Bunning	Cochran
Allen	Burns	Coleman
Baucus	Burr	Collins
Bayh	Byrd	Conrad
Bennett	Cantwell	Cornyn
Biden	Carper	Craig
Bingaman	Chafee	Crapo
Bond	Chambliss	Dayton

DeMint	Johnson	Roberts
DeWine	Kennedy	Rockefeller
Dodd	Kerry	Salazar
Dole	Kohl	Santorum
Domenici	Kyl	Sarbanes
Dorgan	Landrieu	Schumer
Durbin	Leahy	Sessions
Ensign	Levin	Shelby
Enzi	Lieberman	Smith
Feingold	Lincoln	Snowe
Feinstein	Lott	Specter
Frist	Lugar	Stabenow
Graham	Martinez	Stevens
Grassley	McConnell	Sununu
Gregg	Mikulski	Talent
Hagel	Murkowski	Thomas
Harkin	Murray	Thune
Hatch	Nelson (FL)	Vitter
Hutchison	Nelson (NE)	Voinovich
Inhofe	Obama	Warner
Inouye	Pryor	Wyden
Isakson	Reed	
Jeffords	Reid	

NOT VOTING—3

Corzine	Lautenberg	McCain

The amendment (No. 2442), as modified, was agreed to.

AMENDMENT NO. 2427

Mr. WARNER. Mr. President, under the regular order, the Senate will now proceed with the Reed of Rhode Island vote, with 5 minutes for the Senator from Rhode Island and 3 to 4 minutes for the Senator from Virginia.

The PRESIDING OFFICER. The Senator is correct. There is 10 minutes equally divided on amendment No. 2427. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, this amendment would transfer $50 million from the Missile Defense Program to the Cooperative Threat Reduction Program which is designed to secure nuclear materials and nuclear weapons in countries around the globe, principally the former Soviet Union.

A few facts I think are in order.

First, with respect to missile defense funding, in the emergency supplemental appropriations bill for the global war on terror, there was an additional $50 million appropriated that was not required or asked for by the Agency. With this money, even with this amendment, the Agency still would have sufficient money to carry out its programmed operations for this year. Again, we are just transferring $50 million from this rather expensive program overall.

Let me briefly recap where we are with respect to the program.

The administration has already requested and Congress has provided funds for 30 interceptors. There are nine already in the ground. There are others being constructed. There are 21 that are in some aspect of construction. Yet in the fiscal year 2006 budget, there is a request for 10 additional operational interceptors, plus 8 test interceptors, for 18 in all. Again, these are in addition to the 30 interceptors that are already planned for.

In addition to that, I must point out that the production rate capacity for these interceptors is 12 per year. So we are asking for more missiles than can be produced in 1 year. So there are ample funds with respect to missile defense. We are asking for more missiles than can be produced in 1 year—many more missiles than can be produced. This is a situation that I believe calls for readjustment of funds, moving it to another compelling need.

One of the compelling needs I urge on my colleagues is to fund the Cooperative Threat Reduction Program. President Bush and President Putin met in Bratislava months ago and created a unique opportunity for additional funding of the Cooperative Threat Reduction Program. This meeting took place after preparation of the budget. So moving $50 million from missile defense to the Cooperative Threat Reduction Program will allow this country to carry out the pledge President Bush made to President Putin to more aggressively secure 15 additional sites.

There is one final point I would like to make. There is often the argument, well, we shouldn't fund the Cooperative Threat Reduction Program because there are so many unobligated funds; they can't use the money. In August of this year, the Missile Defense Program had $844 million in unobligated funds. If the Missile Defense Agency has $844 million in unobligated funds, I don't think anyone would stand up immediately and say they can't use it, don't need it, et cetera. The same goes for the Cooperative Threat Reduction Program. We have needs out there. The greatest threat to face this country, in my view, is the combination of terrorists and nuclear materials. We are going after the terrorists. We have to also aggressively go after nuclear materials. We can do this.

This is a very modest transfer of funds for a program that is vitally important to fulfill the pledge that the President made with President Putin, and it will not in any way impair the funding available for missile defense.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in opposition to the amendment, I bring to the attention of our colleagues that the CTR Program, of which our distinguished colleague from Indiana, Mr. LUGAR, was the principal author and sponsor, is fully funded at the budget request of $415.5 million. There still remains an unobligated balance of $107 million from the 2005 funds. So this category of our important work is fully funded and moving ahead on its schedule of expenditures.

In contrast, the Missile Defense Program this year took a $1 billion cut as part of the internal DOD budget deliberations, and missile defense is also reduced by $5 billion over the period 2006 to 2011. By adopting the Reed amendment, we would have a fracture in the long-lead funding, resulting in a production break which, on the assumption it would be restarted, would cost the taxpayers another $270 billion.

Mr. President, I say to my colleagues, I have a sheet here that shows how three consecutive times this

Chamber has voted basically on this amendment and defeated it. A $500 million cut by Senator LEVIN was defeated in June of 2004 by 56 votes, followed by a Boxer amendment limiting deployment of ground-based interceptors, defeated by 57 votes, and a Reed amendment again defeated by 53 votes—incidentally, all of those having some measure of bipartisan support. So we are revisiting the same issue.

I strongly recommend to my colleagues that this amendment not be adopted.

Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. They have not been ordered.

Mr. WARNER. I so request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

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

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—37

Biden	Feinstein	Murray
Bingaman	Harkin	Nelson (FL)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Chafee	Kohl	Rockefeller
Clinton	Landrieu	Sarbanes
Conrad	Leahy	Schumer
Dodd	Levin	Stabenow
Dorgan	Lincoln	Wyden
Durbin	Lugar	
Feingold	Mikulski	

NAYS—60

Akaka	Dayton	Martinez
Alexander	DeMint	McConnell
Allard	DeWine	Murkowski
Allen	Dole	Nelson (NE)
Baucus	Domenici	Roberts
Bayh	Ensign	Salazar
Bennett	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burns	Gregg	Snowe
Burr	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Inouye	Thomas
Collins	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lieberman	Voinovich
Crapo	Lott	Warner

NOT VOTING—3

Corzine	Lautenberg	McCain

The amendment (No. 2427) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, in concurrence with the ranking member, the Senator from Oklahoma wishes to lay down an amendment which I am going to recommend be accepted by a voice vote. I believe that is with the concurrence of my ranking member.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2432, AS MODIFIED

Mr. INHOFE. Mr. President, I ask unanimous consent to modify my amendment 2432. I send to the desk the modification and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The amendment is so modified.

The amendment (No. 2432), as modified, is as follows:

At the end of title XII, add the following:

SEC. ___. BUILDING THE PARTNERSHIP SECURITY CAPACITY OF FOREIGN MILITARY AND SECURITY FORCES.

(a) AUTHORITY.—The President may authorize building the capacity of partner nations' military or security forces to disrupt or destroy terrorist networks, close safe havens, or participate in or support United States, coalition, or international military or stability operations.

(b) TYPES OF PARTNERSHIP SECURITY CAPACITY BUILDING.—The partnership security capacity building authorized under subsection (a) may include the provision of equipment, supplies, services, training, and funding.

(c) AVAILABILITY OF FUNDS.—The Secretary of Defense may, at the request of the Secretary of State, support partnership security capacity building as authorized under subsection (a) by transferring funds available to the Department of Defense to the Department of State. Any funds so transferred shall remain available until expended. The amount of such partnership security capacity building support provided by the Department of Defense under this section may not exceed $750,000,000 in any fiscal year.

(d) CONGRESSIONAL NOTIFICATION.—Before building partnership security capacity under this section, the Secretaries of State and Defense shall submit to their congressional oversight committees a notification of the nations designated by the President with which partnership security capacity will be built under this section and the nature and amounts of security capacity building to occur. Any such notification shall be submitted not less than 15 days before the provision of such partnership security capacity building.

(e) COMPLEMENTARY AUTHORITY.—The authority to support partnership security capacity building under this section is in addition to any other authority of the Department of Defense to provide assistance to a foreign country.

(f) APPLICABLE LAW.—The authorities and limitations in the Foreign Assistance Act of 1961 and the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 shall be applicable to assistance provided and funds transferred under the authority of this section.

(g) MILITARY AND SECURITY FORCES DEFINED.—In this section, the term ''military and security forces'' includes armies, guard, border security, civil defense, infrastructure protection, and police forces.

(h) EXPIRATION.—The authority in this section shall expire on September 30, 2007.

SEC. ___. SECURITY AND STABILIZATION ASSISTANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, upon a request from the Secretary of State, with the agreement of the Secretary of Defense and upon a determination by the President that an unforeseen emergency exists that requires immediate reconstruction, security, or stabilization assistance to a foreign country for the purpose of restoring or maintaining peace and security in that country, and that the provision of such assistance is in the national security interests of the United States, the Secretary of Defense may authorize the use or transfer of defense articles, services, training or other support, including support acquired by contract or otherwise, to provide such assistance.

(b) AVAILABILITY OF FUNDS.—Subject to subsection (a), the Secretary of Defense may transfer funds available to the Department of Defense to the Department of State or to any other Federal agency to carry out the purposes of this section, and funds so transferred shall remain available until expended.

(c) LIMITATION.—The aggregate value of assistance provided or funds transferred under the authority of this section may not exceed $200,000,000.

(d) COMPLEMENTARY AUTHORITY.—The authority to provide assistance under this section is in addition to any other authority of the Department of Defense to provide assistance to a foreign country.

(e) NOTIFICATION REQUIREMENTS.—Before the exercise of the authority in this section, the President shall notify Congress of the exercise of such authority in accordance with the procedures set forth in section 652 of the Foreign Assistance Act of 1961 (22 U.S.C. 2411).

(f) APPLICABLE LAW.—(1) The authorities and limitations in the Foreign Assistance Act of 1961 and the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 shall be applicable to assistance provided and funds transferred under the authority of this section.

(2) Any authority available to the President to waive a provision of law referred to in paragraph (1) may be exercised by the President in a written document executed pursuant to subsection (a).

(g) EXPIRATION.—The authority in this section shall expire on September 30, 2007.

Mr. INHOFE. Mr. President, we have spent quite a bit of time talking about this amendment. This does amend sections 1201 and 1204 of title XII, to provide our Government with new authorities to fight the global war on terror. We have initially had some concerns, both from the other side and from a couple of the other committees. We have worked out the compromise, and that is what this modification is.

In an effort to accommodate my colleagues on the Foreign Relations Committee and my colleagues across the aisle, we have made some modifications to our original amendment. These modifications provide a sunset for this authority on September 30, 2007. They provide for some limitation of DOD authority in section 1201, subject to existing law in the foreign relations and foreign appropriations act.

With these modifications, I think that it is going to be a great help to the administration.

I ask unanimous consent that Senator LUGAR be added as a cosponsor of my amendment.

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

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to thank Senator INHOFE for the excellent work he has done on this amendment and his generous efforts to accommodate my previous concerns. In my view, his original amendment may have had some unintended foreign policy consequences. In particular, it might have produced some far-reaching changes to the way that our country makes foreign assistance decisions.

The amendment as now written leaves the authority for deciding which countries, and when, how, and why foreign assistance should be provided, in the hands of the Secretary of State. The amendment does not provide statutory authority to the Secretary of Defense to establish a new foreign aid program outside the purview of the Secretary of State. It does authorize the Secretary of Defense to provide funding to the State Department for a new train and equip foreign assistance program, as well as to address overseas emergencies where the two Departments need to join forces to meet the crisis successfully.

I support the $750 million train and equip program and the $200 million emergency funding. Both programs can be successfully carried out under the Secretary of State's existing authorities. The Secretary of State should retain full authority over decisions as to which countries should receive assistance, the timing of its provision, and the way in which it should be provided. The Department of Defense should continue implementing train and equip programs under the purview of the Secretary of State.

I understand that there have been frustrations with the current situation. The Defense Department has apparently found State Department oversight of these kinds of programs cumbersome and slow. These obstacles need to be overcome. State Department procedures should be streamlined and the two Departments should develop plans to push these important programs forward efficiently and quickly.

But all foreign assistance programs need to take place within a foreign policy context, with consideration of the traditional concerns—the recipient country's treatment of its own people, potential reactions from neighboring states in the region, and the overall bilateral relationship with the recipient country, including its assistance in the war against terrorism.

It is the Secretary of State's job to weigh such foreign policy issues and make recommendations to the President that strike the right balance for American interests. The amendment as now written meets the concerns I had and I would request that I be listed as a co-sponsor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I strongly recommend to colleagues the acceptance of this amendment. It has been carefully thought through. It is a policy that has been joined in jointly by the Secretaries of State and Defense. It is the expectation that to the extent we are successful with these programs, it likely will go to the deployment of our troops abroad in various situations we deem necessary to protect our own national interests.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Michigan.

Mr. LEVIN. First, I thank the Senator from Oklahoma for his amendment, for working to modify that amendment. We think it is a prudent and useful amendment and that it addresses a very significant issue which is how do we obtain more support from other countries to be effective in our effort against terrorism. So we want to thank the Senator from Oklahoma.

Mr. INHOFE. I thank the ranking member and the chairman for those comments.

Mr. WARNER. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2432), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Subject to the concurrence of the ranking member, I ask the Senate to turn its attention to the Senator from Nevada, who has an amendment which I personally strongly endorse and so recommend to other colleagues. It could well be the subject of a rollcall vote sometime tomorrow. I thank him for his consideration of laying down the amendment tonight such that colleagues have the time within which to study it.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2443

Mr. ENSIGN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 2443.

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

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

The amendment is as follows:

(Purpose: To restate United States policy on the use of riot control agents by members of the Armed Forces, and for other purposes)

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. RIOT CONTROL AGENTS.

(a) RESTATEMENT OF POLICY.—It is the policy of the United States that riot control agents are not chemical weapons and that the president may authorize their use as legitimate, legal, and non-lethal alternatives to the use of force that, as provided in Executive Order 11850 (40 Fed. Reg. 16187) and consistent with the resolution of ratification of the Chemical Weapons convention, may be employed by members of the Armed Forces in war in defensive military modes to save lives, including the illustrative purposes cited in Executive Order 11850.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the use of riot control agents by members of the Armed Forces.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of all regulations, doctrines, training materials, and any other information related to the use of riot control agents by members of the Armed Forces;

(B) a description of the doctrinal publications, training, and other resources provided or available to members of the Armed Forces on an annual basis with regard to the tactical employment of riot control agents;

(C) a description of how the material described in subparagraphs (A) and (B) is consistent with United States policy on the use of riot control agents;

(D) a description of the availability of riot control agents, and the means to employ them, to members of the Armed Forces deployed in Iraq and Afghanistan;

(E) a description of the frequency of use of riot control agents since January 1, 1992, and a summary of views held by military commanders about the utility of the employing riot control agents by members of the Armed Forces;

(F) a general description of steps taken or to be taken by the Department of Defense to clarify the circumstances under which riot control agents may be used by members of the Armed Forces; and

(G) an assessment of the legality of Executive Order 11850, including an explanation why Executive Order 11850 remains valid under United States law.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) CHEMICAL WEAPONS CONVENTION.—The term ''Chemical Weapons Convention'' means the Convention on the Prohibitions of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

(2) RESOLUTION OF RATIFICATION OF THE CHEMICAL WEAPONS CONVENTION.—The term ''resolution of ratification of the Chemical Weapons Convention'' means S. Res. 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Chemical Weapons Convention.

Mr. ENSIGN. Mr. President, before I make my full statement, I want my colleagues to know that the amendment that I have sent to the desk is something that we have been working with the administration on for almost 8 months now. I believe we have come up with a compromise that most people in the administration support. It is a very important amendment as far as the foreign policy and the military policy of our country is concerned.

This amendment will allow our soldiers and marines to more effectively carry out their mission on the ground in Iraq and Afghanistan, while saving both military and civilian lives.

Riot control agents, more commonly referred to as tear gas, can be a more effective alternative to the use of lethal weapons in combat. It is shocking and unacceptable that under current policy our military is banned from using tear gas on the battlefield. Let me restate that. Under current policy, our military is banned from using tear gas on the battlefield.

Police officers in any city in America can use tear gas to avoid the loss of life, but our men and women carrying out the global war on terror cannot. This is not right and it must change.

This restriction on the use of tear gas is the direct result of the bureaucracy's faulty interpretation of the 1997 Chemical Weapons Convention, an interpretation made by arms control advocates in Brussels and The Hague and regrettably at our own State Department. Under this faulty interpretation, tear gas is considered a chemical weapon. In those isolated cases where it can be used, it requires Presidential authorization. This is wrong. The use of riot control agents in combat for defensive purposes to save lives is wholly consistent with the U.S. obligations under the laws of land warfare and of our treaty obligations.

Retaining this capability was so important to our military leaders that the Senate included a condition in the 1997 Chemical Weapons Convention that preserved our right to use tear gas in conflict. Many Members today were in the Senate when this matter was debated. All concurred with the arguments put forward by then-chairman of the Joint Chiefs of Staff, Colin Powell, that giving up this capability is not even worth getting the treaty. Here is what he said:

> Nonlethal riot control agents provide a morally correct option to achieve defensive military objectives without having to resort to the unnecessary loss of innocent lives. Sacrificing such an option would be an unacceptable price to pay for a CW [chemical weapons] treaty.

Senators LUGAR, BIDEN, and others spoke eloquently on this point in a bipartisan manner. Senators knew then, and many do know now, that the use of nonlethal weapons, such as tear gas, is demonstrated routinely to be effective by law enforcement agencies all over the world. It is a moral alternative to the use of lethal force.

In towns and streets throughout Iraq and Afghanistan, marines and soldiers are going house to house in an attempt to flush out hiding terrorists. In carrying out this vital mission, structures are damaged and innocent people are killed. Some of that death and destruction could be avoided if we allowed our military to use tear gas instead of bullets. In other cases, we know of situations where the insurgents have mixed in with innocent civilians, using them as human shields, forcing our fighting men and women to either retreat or fire into a crowd, which is a choice they should not have to make.

I am reminded of a New York Times article, dated June 28 of this year. It chronicled marines clearing a town in Iraq. The article referenced one particular incident where three civilians, a mother and two children, were killed as marines battled an insurgent who had taken the family hostage. Perhaps the use of tear gas would have saved their lives; perhaps not. We will never know that. What we do know is that those marines were not provided every tool with which to carry out this global war on terrorism.

Certainly our image has been tarnished as a nation, and our public diplomacy has suffered every time we use lethal force to clear a room, empty a building or take other actions that wound or kill innocent people. This is unconscionable when nonlethal alternatives are available. Secretary Donald Rumsfeld, in testimony before the House Armed Services Committee, described the restriction on the use of riot control agents as a straitjacket. Here is what he said:

> We are doing our best to live within the straitjacket that has been imposed on us on this subject. We are trying to find ways that non-lethal agents could be used within the law.

He went on to point out that our soldiers and marines are authorized to shoot and to kill people in situations where tear gas is prohibited. This is a lethal lapse in legal judgment. It seems as if some would put the concerns of the global arms control theocracy above the lives of our military personnel. If anybody is watching or listening and they are scratching their head wondering where is the common sense, that is exactly what I thought and what led me to offer this amendment.

In fact, our military has been so spooked about this issue they don't know how to train themselves on Riot Control Agent use on the battlefield. The Tactical Employment of Nonlethal Weapons training manual, dated January 2003, is applicable to all military branches. It specifically reminds all that ''. . . using Riot Control Agents in an armed conflict requires Presidential approval.''

Additionally, the Department of Defense's Joint Doctrine Encyclopedia, dated July 1997, advises that ''Commanders must consider the international ramifications . . . before recommending the use of herbicides or Riot Control Agents.''

Now, there are those who erroneously claim my amendment seeks to change long standing policy on the use of riot control agents in combat and runs counter to U.S. treaty commitments.

In fact, my amendment seeks merely to reaffirm the policy of the United States since 1975, and the Senate's view on this issue from 1997, by stating that it is the policy of the United States that Riot Control Agents are not chemical weapons but are legitimate, legal, and non-lethal alternatives to the use of lethal force. It adds that these tools may be employed by members of the Armed Forces in defensive military modes to save lives.

My amendment further requires the President to submit a one-time report to Congress on the availability and use of Riot Control Agents by our fighting men and women. It includes reporting language that prods the State Department to speak about and advocate the U.S. view on this important life-saving tool in multilateral forums. Finally, my amendment presses the Pentagon to develop this capability, which has languished in our training regimens, our doctrine, and our tactics through lack of use.

I urge all of my colleagues to reaffirm this policy, to reaffirm what the Senate said in 1997, and to send a strong message to our men and women in uniform that the Senate puts their welfare above misguided interpretations of arcane international agreements, that the Senate wants to give them a full range of tools to help them accomplish their mission in Iraq and Afghanistan, and that we want to do so in a manner that doesn't jeopardize their lives or those of innocent civilians.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I want very much to support my colleague from Nevada, but I would like to have some clarification. I tried to listen very carefully to what the Senator said. I want to see if my interpretation of the amendment is correct.

I begin by saying the question of whether and how the use of riot control agents would be limited by the Chemical Weapons Convention became a major issue when the treaty was considered by the Senate for ratification in 1997. The resolution of ratification for the CWC contains a condition requiring the President to certify that the United States is not restricted by the CWC in its use of riot control agents in certain specified circumstances. The condition also required the President not to eliminate or alter Executive Order 11850—which I have before me; it was signed by President Ford on April 8, 1975—which prohibits the use of riot control agents in war except in defensive military modes to save lives.

Now, I turn to the Executive Order 11850 and specifically ask the Senator, is his interpretation of his amendment consistent with the objectives as stated in Executive Order 11850, signed by President Ford April 8, 1975?

Mr. ENSIGN. Mr. President, I say to the Senator from Virginia that he has stated it exactly right. We are trying to restate the position that the Senate took in 1997, in the Executive Order 11850. It has been the policy of the United States, based on this Executive order, based on what the Senate did with the Chemical Weapons Treaty in 1997. But the problem is there have been lawyers down at the State Department who have interpreted it differently and therefore have put the military in a very difficult position,

that if they used it consistent with former U.S. policy, they could be accused of violating the Chemical Weapons Treaty and be subject to prosecution as individual soldiers.

Mr. WARNER. I thank my colleague. If I could further propound a clarification, reading from the preamble to 11850, the Executive order, it says:

The United States renounces, as a matter of national policy, first use of herbicides in war except use, under regulations applicable to their domestic use, for control of vegetation within U.S. bases and installations or around their immediate defensive perimeters, and first use of riot control agents in war except in defensive military modes to save lives such as—

and these are the examples—

(a) Use of riot control agents in riot control situations in areas under direct and distinct U.S. military control, to include controlling rioting prisoners of war.

(b) Use of riot control agents in situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided.

(c) Use of riot control agents in rescue missions in remotely isolated areas, of downed aircrews and passengers, and escaping prisoners.

(d) Use of riot control agents in rear echelon areas outside the zone of immediate combat to protect convoys from civil disturbances, terrorists and paramilitary organizations.

Regarding the ground operations as we are reading about daily in the Anbar Province, in Fallujah—I visited up in Fallujah several weeks ago. How would they, under your amendment, be deployed, assuming this amendment is adopted, in a manner differently than what they are doing today?

Mr. ENSIGN. Mr. President, I would say to the chairman of the Senate Armed Services Committee, frankly, they are not being used today by our military and that is the problem. Therein lies the problem.

We just saw President Bush down in the Summit of the Americas, and they had riots down there and they used these very agents to control the crowds. Even when they had problems at Abu Ghraib prison, these riot control agents were not allowed to be used because people were afraid to use them.

Can you imagine, if you are a first lieutenant or you are a sergeant and you are out there and you know that these things have been allowed in the past, but now the State Department and the military are putting stuff out and there are questions, you are not going to use the thing that may be the most effective at saving lives of the personnel around you, as well as the civilians, because you could be accused potentially of violating the Chemical Weapons Treaty. We are handcuffing the very personnel that this Senate is supposed to be trying to protect.

That is why I believe, as the Senator has correctly pointed out, that this amendment is consistent with the very examples that you pointed out that are in the Executive Order No. 11850 that was signed back in 1975.

Mr. WARNER. I want to make clear I presume the amendment of the Senator clarifies some ambiguity, which ambiguity acts as a deterrent on our forces today from using it. Once the ambiguities are set aside, then we can proceed to utilize these agents, provided it is consistent with the Executive Order 11850? Have I correctly stated that?

Mr. ENSIGN. Mr. President, I think what the Senator has stated is very concise. That is exactly the intent of the amendment.

Mr. WARNER. I thank my distinguished colleague. We will have, perhaps, opportunity in the morning to further debate this amendment. I do want to posture myself so I can support your amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wish to clarify a question the chairman of the committee asked. I think I heard the answer, but I was not 100 percent sure.

Is the amendment intended to state the current policy of the United States? When it says on line 1 of page 1, ''It is the policy of the United States,'' is that intended to reflect the current policy of the United States?

Mr. ENSIGN. Mr. President, I would say to the Senator from Michigan that the current policy is exactly what our amendment is trying to reinforce. It is the interpretation of that current policy that is happening down at the State Department that we are trying to clarify. We think they are misinterpreting the current policy which has existed for some time now in the United States. We now need to clarify it so that our warriors know exactly that they can use riot control agents under specific uses, as the examples that the chairman of the Committee on Armed Services has pointed out.

Mr. LEVIN. Is it the intention of the amendment, then, to state the policy of the United States as reflected in Executive Order 11850?

Mr. ENSIGN. That is correct, Mr. President.

Mr. LEVIN. So there is no effort, no intent in the statement of policy on line 4 on page 1 through line 6 on page 2, to in any way modify the policy set forth in that Executive Order 11850?

Mr. ENSIGN. The Senator is correct.

Mr. LEVIN. So this restatement of policy is not intended to modify this in any way. But as I understand it, what the good Senator from Nevada is saying is that some people in the Government have interpreted Executive Order 11850 differently from the way the policy is stated in section 1073?

Mr. ENSIGN. I think the policy is very clear in this Executive order, as well as what the Senate stated. But it appears that certain people down at the State Department have interpreted it a different way and believe there is a higher threshold that our warriors must come under before they can use these riot control agents out on the battlefield; that they must seek Presidential authority. That is what we are trying to clarify here, is to get back to what this Executive order said, as well as what the Senate stated in 1997.

Mr. LEVIN. I thank my friend from Nevada.

Mr. President, we will reserve the time. We are not necessarily at all in opposition, but we would like to review this overnight. We thank the Senator from Nevada.

Mr. WARNER. Mr. President, subject to the order by the majority and Democratic leader as to the sequence of events tomorrow, the Ensign amendment would remain the pending business at such time as the leadership directs the Senate return to this bill; am I correct in that?

The PRESIDING OFFICER. That is correct, the Ensign amendment is pending.

Mr. WARNER. At this time, I ask unanimous consent the Ensign amendment be laid aside for the purpose of the distinguished Senator from Michigan and I clearing some amendments.

Mr. LEVIN. I have no objection.

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

AMENDMENTS NOS. 1334, AS MODIFIED; 1341, AS MODIFIED; 1355, 1356, 1358, AS MODIFIED; 1362, AS MODIFIED; 1367, 1387, 1388, AS MODIFIED; 1404, AS MODIFIED; 1407, 1424, 1428, AS MODIFIED; 1434, 1445, 1448, AS MODIFIED; 1451, AS MODIFIED; 1453, AS MODIFIED; 1463, AS MODIFIED; 1473, 1478, 1481, 1495, 1502, 1514, AS MODIFIED; 1515, AS MODIFIED; 1519, AS MODIFIED; 1526, AS MODIFIED; 1548, AS MODIFIED; 1555, AS MODIFIED; 1563, AS MODIFIED; 1568, 1574, AS MODIFIED; 1578, AS MODIFIED; 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, EN BLOC.

Mr. WARNER. Mr. President, there are four packages of amendments at the desk being held subject to action by the Senate. I ask the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid upon the table, and I ask any statements relating to these individual amendments be printed in the RECORD.

Mr. LEVIN. Is it the intention that the packages be adopted one package at time?

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

Mr. WARNER. All four. And the Chair has acted.

Mr. LEVIN. I am sure we can work it out whether the action has been taken. Have not the four packages been acted upon and approved en bloc?

The PRESIDING OFFICER. If the Senator from Michigan is reserving the right to object, he has that ability.

Mr. LEVIN. I am trying to understand what the unanimous consent request was. Was it the amendments be considered en bloc and agreed to en bloc?

The PRESIDING OFFICER. That is the understanding.

Mr. LEVIN. No objection.

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

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1334, AS MODIFIED

(Purpose: To provide for outreach to members of the Armed Forces and their dependents on the Servicemembers Civil Relief Act)

At the end of subtitle E of title VI, add the following:

SEC. 653. OUTREACH TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS ON THE SERVICEMEMBERS CIVIL RELIEF ACT.

(a) OUTREACH TO MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—The Secretary concerned shall provide to each member of the Armed Forces under the jurisdiction of the Secretary pertinent information on the rights and protections available to servicemembers and their dependents under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.).

(2) TIME OF PROVISION.—Information shall be provided to a member of the Armed Forces under paragraph (1) at times as follows:

(A) During initial orientation training.

(B) In the case of a member of a reserve component of the Armed Forces, during initial orientation training and when the member is mobilized or otherwise individually called or ordered to active duty for a period of more than one year.

(C) At such other times as the Secretary concerned considers appropriate.

(b) OUTREACH TO DEPENDENTS.—The Secretary concerned may provide to the adult dependents of members of the Armed Forces under the jurisdiction of the Secretary pertinent information on the rights and protections available to servicemembers and their dependents under the Servicemembers Civil Relief Act.

(c) DEFINITIONS.—In this section, the terms ''dependent'' and ''Secretary concerned'' have the meanings given such terms in section 101 of the Servicemembers Civil Relief Act (50 U.S.C. App. 511).

AMENDMENT NO. 1341, AS MODIFIED

(Purpose: To require a report on the use of ground source heat pumps at Department of Defense facilities)

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. REPORT ON USE OF GROUND SOURCE HEAT PUMPS AT DEPARTMENT OF DEFENSE FACILITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of ground source heat pumps at Department of Defense facilities.

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

(1) a description of the types of Department of Defense facilities that use ground source heat pumps;

(2) an assessment of the applicability and cost-effectiveness of the use of ground source heat pumps at Department of Defense facilities in different geographic regions of the United States;

(3) a description of the relative applicability of ground source heat pumps for purposes of new construction at, and retrofitting of, Department of Defense facilities; and

(4) recommendations for facilitating and encouraging the increased use of ground source heat pumps at Department of Defense facilities.

AMENDMENT NO. 1335

(Purpose: To authorize a land conveyance of Air Force property, La Junta, Colorado)

On page 359, between lines 3 and 4, insert the following:

SEC. 2862. LAND CONVEYANCE, AIR FORCE PROPERTY, LA JUNTA, COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of La Junta, Colorado (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 8 acres located at the USA Bomb Plot in the La Junta Industrial Park for the purpose of training local law enforcement officers.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall require the City to cover costs to be incurred by the Secretary after the date of enactment of the Act, or to reimburse the Secretary for costs incurred by the Secretary after that date, to carry out the conveyance under subsection (a), including any survey costs, costs related to environmental assessments, studies, analyses, or other documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1356

(Purpose: To authorize the United States Air Force Institute of Technology to receive faculty research grants for scientific, literary, and educational purposes)

At the end of subtitle C of title IX, add the following:

SEC. 924. AUTHORITY FOR UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY TO RECEIVE FACULTY RESEARCH GRANTS FOR CERTAIN PURPOSES.

Section 9314 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

''(2) For purposes of this subsection, a qualifying research grant is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

''(3) An entity referred to in this paragraph is a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

''(4) The Secretary shall establish an account for the administration of funds received as qualifying research grants under this subsection. Funds in the account with respect to a grant shall be used in accordance with the terms and condition of the grant and subject to applicable provisions of the regulations prescribed under paragraph (6).

''(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the United States Air Force Institute of Technology may be used to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

''(6) The Secretary of the Air Force shall prescribe regulations for purposes of the administration of this subsection.''.

AMENDMENT NO. 1358, AS MODIFIED

(Purpose: To require additional recommendations in the report on the delivery of health care benefits through the military health care system)

On page 178, strike lines 20 through 24 and insert the following:

(4) Department of Defense participation in the Medicare Advantage Program, formerly Medicareplus Choice;

(5) the use of flexible spending accounts and health savings accounts for military retirees under the age of 65;

(6) incentives for eligible beneficiaries of the military health care system to retain private employer-provided health care insurance;

(7) means of improving integrated systems of disease management, including chronic illness management;

(8) means of improving the safety and efficiency of pharmacy benefits management;

(9) the management of enrollment options for categories of eligible beneficiaries in the military health care system;

(10) reform of the provider payment system, including the potential for use of a pay-for-performance system in order to reward quality and efficiency in the TRICARE system;

(11) means of improving efficiency in the administration of the TRICARE program, to include the reduction of headquarters and redundant management layers, and maximizing efficiency in the claims processing system;

(12) other improvements in the efficiency of the military health care system; and

(13) any other matters the Secretary considers appropriate to improve the efficiency and quality of military health care benefits.

AMENDMENT NO. 1362, AS MODIFIED

(Purpose: To require a report on the Department of Defense Composite Health Care System II)

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

SEC. 718. REPORT ON THE DEPARTMENT OF DEFENSE COMPOSITE HEALTH CARE SYSTEM II.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the Department of Defense Composite Health Care System II (CHCS II).

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A chronology and description of previous efforts undertaken to develop an electronic medical records system capable of maintaining a two-way exchange of data between the Department of Defense and the Department of Veterans Affairs.

(2) The plans as of the date of the report, including any projected commencement dates, for the implementation of the Composite Health Care System II.

(3) A statement of the amounts obligated and expended as of the date of the report on the development of a system for the two-way exchange of data between the Department of Defense and the Department of Veterans Affairs, including the Composite Health Care System II.

(4) An estimate of the amounts that will be required for the completion of the Composite Health Care System II.

(5) A description of the software and hardware being considered as of the date of the report for use in the Composite Health Care System II.

(6) A description of the management structure used in the development of the Composite Health Care System II.

(7) A description of the accountability measures utilized during the development of the Composite Health Care System II in order to evaluate progress made in the development of that System.

(8) The schedule for the remaining development of the Composite Health Care System II.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Appropriations, Veterans' Affairs, and Health, Education, Labor, and Pensions of the Senate; and

(2) the Committees on Armed Services, Appropriations, Veterans' Affairs, and Energy and Commerce of the House of Representatives.

AMENDMENT NO. 1367

(Purpose: To make permanent the authority to provide travel and transportation allowances for dependents to visit hospitalized members injured in combat operation or combat zone with funding provided out of existing funds through a reduction in nonessential civilian travel)

(a) AUTHORITY TO CONTINUE ALLOWANCE.—Effective as of September 30, 2005, section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking subsections (d) and (e).

(b) CODIFICATION OF REPORTING REQUIREMENT.—Section 411h of title 37, United States Code, is amended by adding at the end the following new subsection:

''(e) If the amount of travel and transportation allowances provided in a fiscal year under clause (ii) of subsection (a)(2)(B) exceeds $20,000,000, the Secretary of Defense shall submit to Congress a report specifying the total amount of travel and transportation allowances provided under such clause in such fiscal year.''.

(c) CONFORMING AMENDMENT.—Subsection (a)(2)(B)(ii) of such section, as added by section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking ''under section 1967(c)(1)(A) of title 38''.

(d) FUNDING.—Funding shall be provided out of existing funds.

AMENDMENT NO. 1387

(Purpose: To make the Savannah River National Laboratory eligible for laboratory directed research and development funding)

On page 378, between lines 10 and 11, insert the following:

SEC. 31_____. SAVANNAH RIVER NATIONAL LABORATORY.

The Savannah River National Laboratory shall be a participating laboratory in the Department of Energy laboratory directed research and development program.

AMENDMENT NO. 1388, AS MODIFIED

(Purpose: To provide for the establishment of the USS Oklahoma Memorial)

On page 286, between lines 7 and 8, insert the following:

SEC. 10_____. ESTABLISHMENT OF THE USS OKLAHOMA MEMORIAL.

(a) SITE AND FUNDING FOR MEMORIAL.—Not later than 6 months after the date of enactment of this section, the Secretary of the Navy, in consultation with the Secretary of the Interior shall identify an appropriate site on Ford Island for a memorial for the USS Oklahoma consistent with the ''Pearl Harbor Naval Complex Design Guidelines and Evaluation Criteria for Memorials, April 2005''. The USS Oklahoma Foundation shall be solely responsible for raising the funds necessary to design and erect a dignified and suitable memorial to the naval personnel serving aborad the USS Oklahoma when it was attacked on December 7, 1941.

(b) ADMINISTRATION AND MAINTENANCE OF MEMORIAL.—After the site has been selected, the Secretary of the Interior shall administer and maintain the site as part of the USS Arizona Memorial, a unit of the National Park System, in accordance with the laws and regulations applicable to land administered by the National Park Service and any Memorandum of Understanding between the Secretary of the Navy and the Secretary of the Interior. The Secretary of the Navy shall continue to have jurisdiction over the land selected as the site.

(c) FUTURE MEMORIALS.—Any future memorials for U.S. Naval Vessels that were attacked at Pearl Harbor on December 7, 1941, shall be consistent with the ''Pearl Harbor Naval Complex Design Guidelines and Evaluation Criteria for Memorials, April 2005''.

(d) MASTER PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Secretary of the Interior, shall submit to the Committee on Armed Services and Committee on Resources of the House of Representatives and the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate a master plan for operation and management of the site presently encompassing the visitors center for the USS Arizona Memorial, the area commonly known as the ''Halawa Landing'', and any adjacent properties.

AMENDMENT NO. 1404, AS MODIFIED

(Purpose: To require a pilot program on enhanced quality of life for members of the Army Reserve and their families)

At the end of subtitle C of title V, add the following:

SEC. 538. PILOT PROGRAM ON ENHANCED QUALITY OF LIFE FOR MEMBERS OF THE ARMY RESERVE AND THEIR FAMILIES.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall carry out a pilot program to assess the feasability and advisability of utilizing a coalition of military and civilian community personnel at military installations in order to enhance the quality of life for members of the Army Reserve who serve at such installations and their families.

(2) LOCATIONS.—The Secretary shall carry out the pilot program at a military installation selected by the Secretary for purposes of the pilot program in two States.

(b) PARTICIPATING PERSONNEL.—A coalition of personnel under the pilot program shall consist of—

(1) such command personnel at the installation concerned as the commander of such installation considers appropriate;

(2) such other military personnel at such installation as the commander of such installation considers appropriate; and

(3) appropriate members of the civilian community of installation, such as clinicians and teachers, who volunteer for participation in the coalition.

(c) OBJECTIVES.—

(1) PRINCIPLE OBJECTIVE.—The principle objective of the pilot program shall be to enhance the quality of life for members of the Army Reserve and their families in order to enhance the mission readiness of such members, to facilitate the transition of such members to and from deployment, and to enhance the retention of such members.

(2) OBJECTIVES RELATING TO DEPLOYMENT.—In seeking to achieve the principle objective under paragraph (1) with respect to the deployment of members of the Army Reserve, each coalition under the pilot program shall seek to assist members of the Army Reserve and their families in—

(A) successfully coping with the absence of such members from their families during deployment; and

(B) successfully addressing other difficulties associated with extended deployments, including difficulties of members on deployment and difficulties of family members at home.

(3) METHODS TO ACHIEVE OBJECTIVES.—The methods selected by each coalition under the pilot program to achieve the objectives specified in this subsection shall include methods as follows:

(A) Methods that promote a balance of work and family responsibilities through a principle-centered approach to such matters.

(B) Methods that promote the establishment of appropriate priorities for family matters, such as the allocation of time and attention to finances, within the context of meeting military responsibilities.

(C) Methods that promote the development of meaningful family relationships.

(D) Methods that promote the development of parenting skills intended to raise emotionally healthy and empowered children.

(d) REPORT.—Not later than April 1, 2007, the Secretary shall submit to the congressional defense committees a report on the pilot program carried out under this section. The report shall include—

(1) a description of the pilot program;

(2) an assessment of the benefits of utilizing a coalition of military and civilian community personnel on military installations in order to enhance the quality of life for members of the Army Reserve and their families; and

(3) such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(e) FUNDING.—

(1) IN GENERAL.—The amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is hereby increased by $160,000, with the amount of the increase to be available to carry out the pilot program required by this section.

(2) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy and available for Ship Self Defense (Detect and Control) (PE #0604755N) is hereby reduced by $160,000, with the amount of the reduction to be allocated to amounts for Autonomous Unmanned Surface Vessel.

AMENDMENT NO. 1407

(Purpose: To strike the limitation on payment of facilities charges assessed by the Department of State)

Strike section 1008.

AMENDMENT NO. 1424

(Purpose: Relating to the basic allowance for housing for members of the reserves)

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

SEC. 605. BASIC ALLOWANCE FOR HOUSING FOR RESERVE MEMBERS.

(a) EQUAL TREATMENT OF RESERVE MEMBERS.—Subsection (g) of section 403 of title 37, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The rate of basic allowance for housing to be paid to the following members of a reserve component shall be equal to the rate in effect for similarly situated members of a regular component of the uniformed services:

''(A) A member who is called or ordered to active duty for a period of more than 30 days.

''(B) A member who is called or ordered to active duty for a period of 30 days or less in support of a contingency operation.''; and

(3) in paragraph (4), as so redesignated, by striking ''less than 140 days'' and inserting ''30 days or less''.

(b) CONFORMING AMENDMENT REGARDING MEMBERS WITHOUT DEPENDENTS.—Paragraph (1) of such subsection is amended by inserting ''or for a period of more than 30 days'' after ''in support of a contingency operation'' both places it appears.

AMENDMENT NO. 1428, AS MODIFIED

(Purpose: To strengthen civil-military relationships by permitting State and local governments to enter into lease purchase agreements with the United States Armed Forces)

At the end of subtitle B of title XXVIII of division B, add the following:

SEC. 2823. EXPANDED AUTHORITY TO ENTER INTO LEASE-PURCHASE AGREEMENTS.

Section 2812 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''a private contractor'' and inserting ''an eligible entity''; and

(B) by striking ''the contractor'' and inserting ''the eligible entity'';

(2) in subsection (c)—

(A) by striking ''(c)(1)'' and inserting ''(c)'';

(B) by striking paragraph (2); and

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

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

''(e) In this section, the term 'eligible entity' means any private person, corporation, firm, partnership, company, or State or local government.''.

AMENDMENT NO. 1434, AS MODIFIED

(Purpose: To make available, with an offset, an additional $20,300,000 for aircraft procurement for the Army to increase the number of UH–60 Black Hawk helicopters to be procured in response to attrition from 2 helicopters to 4 helicopters)

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

SEC. 114. UH–60 BLACK HAWK HELICOPTER PROCUREMENT IN RESPONSE TO ATTRITION.

(a) INCREASE IN AMOUNT.—Of the amount authorized to be appropriated by section 101(1) for aircraft for the Army, the amount available for the procurement UH–60 Black Hawk helicopters in response to attrition is hereby increased to $40,600,000, with the amount to be used to increase the number of UH–60 Black Hawk helicopters to be procured in response to attrition from 2 helicopters to 4 helicopters.

(b) OFFSET.—Of the amount authorized to be appropriated by section 101(1) for aircraft for the Army, the amount available for UH–60 Black Hawk helicopter medevac kits is hereby reduced to $29,700,000, with the amount to be derived in a reduction in the number of such kits from 10 kits to 6 kits.

AMENDMENT NO. 1445

(Purpose: To grant a Federal charter to Korean War Veterans Association, Incorporated)

At the end of subtitle G of title X, add the following:

SEC. 1073. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

''CHAPTER 1201—[RESERVED]'';

and

(2) by inserting after chapter 1103 the following new chapter:

''CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

''Sec.
''120101. Organization.
''120102. Purposes.
''120103. Membership.
''120104. Governing body.
''120105. Powers.
''120106. Restrictions.
''120107. Tax-exempt status required as condition of charter.
''120108. Records and inspection.
''120109. Service of process.
''120110. Liability for acts of officers and agents.
''120111. Annual report.
''120112. Definition.

''§ 120101. Organization

''(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and that is organized under the laws of the State of New York, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

''§ 120102. Purposes

''The purposes of the corporation are those provided in its articles of incorporation and shall include the following:

''(1) Organize as a veterans service organization in order to maintain a continuing interest in the welfare of veterans of the Korean War, and rehabilitation of the disabled veterans of the Korean War to include all that served during active hostilities and subsequently in defense of the Republic of Korea, and their families.

''(2) To establish facilities for the assistance of all veterans and to represent them in their claims before the Department of Veterans Affairs and other organizations without charge.

''(3) To perpetuate and preserve the comradeship and friendships born on the field of battle and nurtured by the common experience of service to our nation during the time of war and peace.

''(4) To honor the memory of those men and women who gave their lives that a free America and a free world might live by the creation of living memorial, monuments, and other forms of additional educational, cultural, and recreational facilities.

''(5) To preserve for ourselves and our posterity the great and basic truths and enduring principles upon which this nation was founded.

''§ 120103. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

''§ 120104. Governing body

''(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation of the corporation.

''(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation.

''§ 120105. Powers

''The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

''§ 120106. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

''(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

''(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

''§ 120107. Tax-exempt status required as condition of charter

''If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

''§ 120108. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

''(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

''§ 120109. Service of process

''The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

''§ 120110. Liability for acts of officers and agents

''The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

''§ 120111. Annual report

''The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

"§ 120112. Definition

''For purposes of this chapter, the term 'State' includes the District of Columbia and the territories and possessions of the United States.''.

(b) CLERICAL AMENDMENT.—The item relating to chapter 1201 in the table of chapters at the beginning of subtitle II of title 36, United States Code, is amended to read as follows:

''**1201. Korean War Veterans Association, Incorporated ....120101**''.

AMENDMENT NO. 1448, AS MODIFIED

(Purpose: To ensure a response to medical needs arising from mandatory military vaccinations)

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

SEC. 718. RESPONSE TO MEDICAL NEEDS ARISING FROM MANDATORY MILITARY VACCINATIONS.

(a) IN GENERAL.—The Secretary of Defense shall maintain a joint military medical center of excellence focusing on the medical needs arising from mandatory military vaccinations.

(b) ELEMENTS.—The joint military medical center of excellence under subsection (a) shall consist of the following:

(1) The Vaccine Health Care Centers of the Department of Defense, which shall be the principle elements of the center.

(2) Any other elements that the Secretary considers appropriate.

(c) AUTHORIZED ACTIVITIES.—In acting as the principle elements of the joint military medical center under subsection (a), the Vaccine Health Care Centers referred to in subsection (b)(1) may carry out the following:

(1) Medical assistance and care to individuals receiving mandatory military vaccines and their dependents, including long-term case management for adverse events where necessary.

(2) Evaluations to identify and treat potential and actual health effects from vaccines before and after their use in the field.

(3) The development and sustainment of a long-term vaccine safety and efficacy registry.

(4) Support for an expert clinical advisory board for case reviews related to disability assessment questions.

(5) Long-term and short-term studies to identify unanticipated benefits and adverse events from vaccines.

(6) Educational outreach for immunization providers and those requiring immunizations.

(7) The development, dissemination, and validation of educational materials for Department of Defense healthcare workers relating to vaccine safety, efficacy, and acceptability.

AMENDMENT NO. 1451, AS MODIFIED

(Purpose: To require screenings of members of the Armed Forces for Post Traumatic Stress Disorder and other mental health conditions)

At the end of subtitle F of title V, add the following:

SEC. 573. MENTAL HEALTH SCREENINGS OF MEMBERS OF THE ARMED FORCES FOR POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) MENTAL HEALTH SCREENINGS.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned shall perform mental health screenings of each member of the Armed Forces who is deployed in a combat operation or to a combat zone.

(b) NATURE OF SCREENINGS.—The first mental health screening of a member under this section shall be designed to determine the mental state of such member before deployment. Each other mental health screening of a member under this section shall be designated to detect symptoms or other evidence in such member of Post Traumatic Stress Disorder (PTSD) or other mental health condition relating to combat.

(c) TIME OF SCREENINGS.—A member shall receive a mental health screening under this section at times as follows:

(1) Prior to deployment in a combat operation or to a combat zone.

(2) Not later than 30 days after the date of the member's return from such deployment.

(3) Not later than 120 days after the date of the members return from such deployment.

AMENDMENT NO. 1453, AS MODIFIED

(Purpose: To ensure the protection of military and civilian personnel in the Department of Defense from an influenza pandemic, including an avian influenza pandemic)

In subtitle B of title VII of the bill, add the following at the end:

SEC. 718. PANDEMIC AVIAN FLU PREPAREDNESS.

(a) REPORT.—The Secretary of Defense shall report to the Committees on Armed Services of the Senate and the House of Representatives efforts within the Department of Defense to prepare for pandemic influenza, including pandemic avian influenza. The Secretary shall address the following, with respect to military and civilian personnel—

(1) the procurement of vaccines, antivirals and other medicines, and medical supplies, including personal protective equipment, particularly those that must be imported;

(2) protocols for the allocation and distribution of vaccines and medicines among high priority populations;

(3) public health containment measures that may be implemented on military bases and other facilities, including quarantine, travel restrictions and other isolation precautions;

(4) communication with Department of Defense affiliated health providers about pandemic preparedness and response;

(5) surge capacity for the provision of medical care during pandemics;

(6) the availability and delivery of food and basic supplies and services;

(7) surveillance efforts domestically and internationally, including those utilizing the Global Emerging Infections Systems (GEIS), and how such efforts are integrated with other ongoing surveillance systems;

(8) the integration of pandemic and response planning with those of other Federal departments, including the Department of Health and Human Services, Department of the Veterans Affairs, Department of State, and USAID; and

(9) collaboration (as appropriate) with international entities engaged in pandemic preparedness and response.

(b) SUBMISSION OF REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit the report to the Committees on Armed Services of the Senate and the House of Representatives.

AMENDMENT NO. 1463, AS MODIFIED

(Purpose: To authorize a land conveyance at Iowa Army Ammunition Plant, Middletown, Iowa)

On page 357, between lines 19 and 20, insert the following:

SEC. 2843. LAND CONVEYANCE, IOWA ARMY AMMUNITION PLANT, MIDDLETOWN, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Middletown (in this section referred to as the ''City'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1.0 acres located at the Iowa Army Ammunition Plant, Middletown, Iowa, for the purpose of economic development.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the City shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined by the Secretary.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary may require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) REIMBURSEMENT.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of each survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 1473

(Purpose: To improve the availability to survivors of military decedents of information on the benefits and assistance available through the Federal Government)

On page 117, line 11, insert ''through a computer accessible Internet website and other means and'' before ''at no cost''.

AMENDMENT NO. 1478

(Purpose: To make oral and maxillofacial surgeons eligible for incentive special pay payable to medical officers of the Armed Forces)

At the end of subtitle B of title VI, add the following:

SEC. 624. ELIGIBILITY OF ORAL AND MAXILLOFACIAL SURGEONS FOR INCENTIVE SPECIAL PAY FOR MEDICAL OFFICERS OF THE ARMED FORCES.

(a) IN GENERAL.—For purposes of eligibility for incentive special pay payable under section 302(b) of title 37, United States Code, oral and maxillofacial surgeons shall be treated as medical officers of the Armed Forces who may be paid variable special pay under section 302(a)(2) of such title.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on October 1, 2005, and shall apply with respect to incentive special pay payable under section 302(b) of title 37, United States Code, on or after that date.

AMENDMENT NO. 1481

(Purpose: To modify the authority of Army working-capital funded facilities to engage in cooperative activities with non-Army entities)

At the end of subtitle C of title III, add the following:

SEC. 330. MODIFICATION OF AUTHORITY OF ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) APPLICABILITY OF SUNSET.—Subsection (j) of section 4544 of title 10, United States Code, is amended by striking ''September 30, 2009,'' and all that follows through the end and inserting September 30, 2009.''.

(b) CREDITING OF PROCEEDS OF SALE OF ARTICLES AND SERVICES.—Such section is further amended—

(1) in subsection (d), by striking ''subsection (e)'' and inserting ''subsection (f)'';

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

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

''(e) PROCEEDS CREDITED TO WORKING CAPITAL FUND.—The proceeds of sale of an article or service pursuant to a contract or other cooperative arrangement under this section shall be credited to the working capital fund that incurs the cost of manufacturing the article or performing the service.''; and

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by striking ''subsection (e)'' and inserting ''subsection (f)''.

AMENDMENT NO. 1495

(Purpose: To provide that the governments of Indian tribes be treated as State and local governments for purposes of the disposition of real property recommended for closure in the report to the President from the Defense Base Closure and Realignment Commission, July 1993)

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. TREATMENT OF INDIAN TRIBE GOVERNMENTS AS PUBLIC ENTITIES FOR PURPOSES OF DISPOSAL OF REAL PROPERTY RECOMMENDED FOR CLOSURE IN JULY 2003 BRAC COMMISSION REPORT.

Section 8013 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 1440) is amended by striking ''the report to the President from the Defense Base Closure and Realignment Commission, July 1991'' and inserting ''the reports to the President from the Defense Base Closure and Realignment Commission, July 1991 and July 1993''.

AMENDMENT NO. 1502

(Purpose: To make permanent the extension of the period of temporary continuation of basic allowance for housing for dependents of members of the Armed Forces who die on active duty)

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

SEC. 605. PERMANENT EXTENSION OF PERIOD OF TEMPORARY CONTINUATION OF BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY.

Effective immediately after the termination, pursuant to subsection (b) of section 1022 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 251), of the amendments made by subsection (a) of such section, section 403(l) of title 37, United States Code, is amended by striking ''180 days'' each place it appears and inserting ''365 days''.

AMENDMENT NO. 1514, AS MODIFIED

(Purpose: To authorize a land conveyance at Marine Corps Air Station, Miramar, San Diego, California)

On page 357, strike line 20, and insert the following:

PART II—NAVY CONVEYANCES

SEC. 2851. LAND CONVEYANCE, MARINE CORPS AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Navy may convey to the County of San Diego, California (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 230 acres located on the eastern boundary of Marine Corps Air Station, Miramar, California, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property known as the Stowe Trail as a public passive park/recreational area.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States an amount with a total value that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) Marine Corps Air Station, Miramar, is no longer being used for Department of Defense activities;

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of consideration under subsection (b), including appraisal costs, survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of consideration. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(2) REIMBURSEMENT.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

AMENDMENT NO. 1515, AS MODIFIED

(Purpose: To make available an additional $60,000,000 for operation and maintenance, Defense-wide, for certain child and family assistance benefits for members of the Armed Forces)

At the end of subtitle C of title III, add the following:

SEC. 330. CHILD AND FAMILY ASSISTANCE BENEFITS FOR MEMBERS OF THE ARMED FORCES.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities, is hereby increased by $60,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities, as increased by subsection (a), $60,000,000 may be available as follows:

(1) $50,000,000 for childcare services for families of members of the Armed Forces.

(2) $10,000,000 for family assistance centers that primarily serve members of the Armed Forces and their families.

(b) OFFSET.—Of the amounts authorized to be appropriated by section 301(i) for operation and maintenance, Army are hereby reduced by $60,000,000.

AMENDMENT NO. 1519, AS MODIFIED

(Purpose: To provide for a Department of Defense task force on mental health)

At the appropriate place, insert the following:

SEC. ___. DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH.

(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters relating to mental health and the Armed Forces.

(b) COMPOSITION.—

(1) MEMBERS.—The task force shall consist of not more than 14 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in the area of mental health.

(2) RANGE OF MEMBERS.—The individuals appointed to the task force shall include—

(A) at least one member of each of the Army, Navy, Air Force, and Marine Corps; and

(B) a number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the task force.

(3) INDIVIDUALS APPOINTED WITHIN DEPARTMENT OF DEFENSE.—At least one of the individuals appointed to the task force from within the Department of Defense shall be the surgeon general of an Armed Force or a designee of such surgeon general.

(4) INDIVIDUALS APPOINTED OUTSIDE DEPARTMENT OF DEFENSE.—(A) Individuals appointed to the task force from outside the Department of Defense may include officers or employees of other departments or agencies of the Federal Government, officers or employees of State and governments, or individuals from the private sector.

(B) The individuals appointed to the task force from outside the Department of Defense shall include—

(i) an officer or employee of the Department of Veterans Affairs appointed by the Secretary of Defense in consultation with the Secretary of Veterans Affairs;

(ii) an officer or employee of the Substance Abuse and Mental Health Services Administration of the Department of Health and

Human Services appointed by the Secretary of Defense in consultation with the Secretary of Health and Human Services; and

(iii) at least two individuals who are representatives of—

(I) a mental health policy and advocacy organization; and

(II) a national veterans service organization.

(5) DEADLINE FOR APPOINTMENT.—All appointments of individuals to the task force shall be made not later than 120 days after the date of the enactment of this Act.

(6) CO-CHAIRS OF TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of the Defense at the time of appointment from among the Department of Defense personnel appointed to the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by members so appointed.

(c) LONG-TERM PLAN ON MENTAL HEALTH SERVICES.—

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary a long-term plan (referred to as a strategic plan) on means by which the Department of Defense shall improve the efficacy of mental health services provided to members of the Armed Forces by the Department of Defense.

(2) UTILIZATION OF OTHER EFFORTS.—In preparing the report, the task force shall take into consideration completed and ongoing efforts by the Department of Defense to improve the efficacy of mental health care provided to members of the Armed Forces by the Department.

(3) ELEMENTS.—The long-term plan shall include an assessment of and recommendations (including recommendations for legislative or administrative action) for measures to improve the following:

(A) The awareness of the prevalence of mental health conditions among members of the Armed Forces.

(B) The efficacy of existing programs to prevent, identify, and treat mental health conditions among members of the Armed Forces, including programs for and with respect to forward-deployed troops.

(C) The reduction or elimination of barriers to care, including the stigma associated with seeking help for mental health related conditions, and the enhancement of confidentiality for members of the Armed Forces seeking care for such conditions.

(D) The adequacy of outreach, education, and support programs on mental health matters for families of members of the Armed Forces.

(E) The efficacy of programs and mechanisms for ensuring a seamless transition from care of members of the Armed Forces on active duty for mental health conditions through the Department of Defense to care for such conditions through the Department of Veterans Affairs after such members are discharged or released from military, naval, or air service.

(F) The availability of long-term follow-up and access to care for mental health conditions for members of the Individual Ready Reserve, and the Selective Reserve and for discharged, separated, or retired members of the Armed Forces.

(G) Collaboration among organizations in the Department of Defense with responsibility for or jurisdiction over the provision of mental health services.

(H) Coordination between the Department of Defense and civilian communities, including local support organizations, with respect to mental health services.

(I) The scope and efficacy of curricula and training on mental health matters for commanders in the Armed Forces.

(J) Such other matters as the task force considers appropriate.

(d) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be treated for purposes of section 3161 of title 5, United States Code, as having been appointed under subsection (b) of such section.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the activities of the task force.

(3) ADMINISTRATIVE SUPPORT.—The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the task force.

(4) ACCESS TO FACILITIES.—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Secretaries of the military departments, ensure appropriate access by the task force to military installations and facilities for purposes of the discharge of the duties of the task force.

(e) REPORT.—

(1) IN GENERAL.—The task force shall submit to the Secretary of Defense a report on its activities under this section. The report shall include—

(A) a description of the activities of the task force;

(B) the plan required by subsection (c); and

(C) such other mattes relating to the activities of the task force that the task force considers appropriate.

(2) TRANSMITTAL TO CONGRESS.—Not later than 90 days after receipt of the report under paragraph (1), the Secretary shall transmit the report to the Committees on Armed Services and Veterans' Affairs of the Senate and the House of Representatives. The Secretary may include in the transmittal such comments on the report as the Secretary considers appropriate.

(f) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to Congress under subsection (e)(2).

AMENDMENT NO. 1526, AS MODIFIED

(Purpose: To express the sense of the Senate on the need for community impact assistance related to the construction by the Navy of an outlying land field in North Carolina)

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. SENSE OF THE SENATE REGARDING COMMUNITY IMPACT ASSISTANCE RELATED TO CONSTRUCTION OF NAVY LANDING FIELD, NORTH CAROLINA.

It is the sense of the Senate that—

(1) the planned construction of an outlying landing field in North Carolina is vital to the national security interests of the United States; and

(2) the Department of Defense should work with other Federal agencies to provide community impact assistance to those communities directly impacted by the location of the outlying landing field, including—

(A) economic development assistance;

(B) impact aid program assistance if required;

(C) the provision by cooperative agreement with the Navy of fire, rescue, water, and sewer services;

(D) access by leasing arrangement to appropriate land for farming for farmers impacted by the location of the landing field;

(E) direct relocation assistance; and

(F) fair compensation to landowners for property purchased by the Navy.

AMENDMENT NO. 1548, AS MODIFIED

(Purpose: To increase, with an offset, amounts available for the procurement of Predator unmanned aerial vehicles)

On page 305, strike line 2 and all that follows through line 6, and insert the following:

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts for the Air Force in the amounts as follows:

(1) For aircraft, $323,200,000.

(2) For other procurement, $51,900,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—Of the amounts authorized to be appropriated by subsection (a)(1), $218,500,000 may be available for purposes as follows:

(1) Procurement of Predator MQ-1 air vehicles, initial spares, and RSP kits.

(2) Procurement of Containerized Dual Control Station Launch and Recovery Elements.

(3) Procurement of a Fixed Ground Control Station.

(4) Procurement of other upgrades to Predator MQ–1 Ground Control Stations, spares, and signals intelligence packages.

SEC. 1405A. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS FOR IRAQ FREEDOM FUND.

The amount authorized to be appropriated for fiscal year 2006 for the Iraq Freedom Fund is the amount specified by section 1409(a) of this Act, reduced by $218,500,000.

AMENDMENT NO. 1555, AS MODIFIED

(Purpose: To regulate management contracts, require an Analysis of Alternatives for major acquisitions of the Department of Defense and impose additional limitations on certain leases and charters)

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

SEC. 807. MODIFICATION OF REQUIREMENTS APPLICABLE TO CONTRACTS AUTHORIZED BY LAW FOR CERTAIN MILITARY MATERIEL.

(a) INCLUSION OF COMBAT VEHICLES UNDER REQUIREMENTS.—Section 2401 of title 10, United States Code, is amended—

(1) by striking "vessel or aircraft" each place it appears and inserting "vessel, aircraft, or combat vehicle";

(2) in subsection (c), by striking "aircraft or naval vessel" each place it appears and inserting "aircraft, naval vessel, or combat vehicle";

(3) in subsection (e), by striking "aircraft or naval vessels" each place it appears and inserting "aircraft, naval vessels, or combat vehicle"; and

(4) in subsection (f)—

(A) by striking "aircraft and naval vessels" and inserting "aircraft, naval vessels, and combat vehicle"; and

(B) by striking "such aircraft and vessels" and inserting "such aircraft, vessels, and combat vehicle".

(b) ADDITIONAL INFORMATION FOR CONGRESS.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

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

"(D) the Secretary has certified to those committees—

''(i) that entering into the proposed contract as a means of obtaining the vessel, aircraft, or combat vehicle is the most cost-effective means of obtaining such vessel, aircraft, or combat vehicle; and

''(ii) that the Secretary has determined that the lease complies with all applicable laws, Office of Management and Budget circulars, and Department of Defense regulations.''; and

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

''(3) Upon receipt of a notice under paragraph (1)(C), a committee identified in paragraph (1)(B) may request the Inspector General of the Department of Defense or the Comptroller General of the United States to conduct a review of the proposed contract to determine whether or not such contract meets the requirements of this section.

''(4) If a review is requested under paragraph (3), the Inspector General of the Department of Defense or the Comptroller General of the United States, as the case may be, shall submit to the Secretary and the congressional defense committees a report on such review before the expiration of the period specified in paragraph (1)(C).''.

(c) APPLICABILITY OF ACQUISITION REGULATIONS.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

''(f)(1) If a lease or charter covered by this section is a capital lease or a lease-purchase—

''(A) the lease or charter shall be treated as an acquisition and shall be subject to all applicable statutory and regulatory requirements for the acquisition of aircraft, naval vessels, or combat vehicles; and

''(B) funds appropriated to the Department of Defense for operation and maintenance may not be obligated or expended for the lease or charter.

''(2) In this subsection, the terms 'capital lease' and 'lease-purchase' have the meanings given those terms in Appendix B to Office of Management and Budget Circular A–11, as in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006.''.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

''§ 2401. Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles''.

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2401 and inserting the following new item:

''Sec. 2401. Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles.''.

SEC. 808. REQUIREMENT FOR ANALYSIS OF ALTERNATIVES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REQUIREMENT.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2431 the following new section:

''§ 2431a. Major defense acquisition programs: requirement for analysis of alternatives

''(a) No major defense acquisition program may be commenced before the completion of an analysis of alternatives with respect to such program.

''(b) For the purposes of this section, a major defense acquisition program is commenced when the milestone decision authority approves entry of the program into the first phase of the acquisition process applicable to the program.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2431 the following new item:

''2431a. Major defense acquisition programs: requirement for analysis of alternatives.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to major defense acquisition programs commenced on or after that date.

SEC. 809. REPORT ON USE OF LEAD SYSTEM INTEGRATORS IN THE ACQUISITION OF MAJOR 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 the congressional defense committees a report on the use of lead system integrators for the acquisition by the Department of Defense of major systems.

(b) CONTENTS.—The report required by subsection (a) shall include a detailed description of the actions taken, or to be taken (including a specific timetable), and the current regulations and guidelines regarding—

(1) the definition of the respective rights of the Department of Defense, lead system integrators, and other contractors that participate in the development or production of any individual element of the major weapon system (including subcontractors under lead system integrators) in intellectual property that is developed by the other participating contractors in a manner that ensures that—

(A) the Department of Defense obtains appropriate rights in technical data developed by the other participating contractors in accordance with the requirements of section 2320 of title 10, United States Code; and

(B) lead system integrators obtain access to technical data developed by the other participating contractors only to the extent necessary to execute their contractual obligations as lead systems integrators;

(2) the prevention or mitigation of organizational conflicts of interest on the part of lead system integrators;

(3) the prevention of the performance by lead system integrators of functions closely associated with inherently governmental functions;

(4) the appropriate use of competitive procedures in the award of subcontracts by lead system integrators with system responsibility;

(5) the prevention of organizational conflicts of interest arising out of any financial interest of lead system integrators without system responsibility in the development or production of individual elements of a major weapon system; and

(6) the prevention of pass-through charges by lead system integrators with system responsibility on systems or subsystems developed or produced under subcontracts where such lead system integrators do not provide significant value added with regard to such systems or subsystems.

(c) DEFINITIONS.—In this section:

(1) The term ''lead system integrator'' includes lead system integrators with system responsibility and lead system integrators without system responsibility.

(2) The term ''lead system integrator with system responsibility'' means a prime contractor for the development or production of a major system if the prime contractor is not expected at the time of award, as determined by the Secretary of Defense for purposes of this section, to perform a substantial portion of the work on the system and the major subsystems.

(3) The term ''lead system integrator without system responsibility'' means a contractor under a contract for the procurement of services whose primary purpose is to perform acquisition functions closely associated with inherently governmental functions with regard to the development or production of a major system.

(4) The term ''major system'' has the meaning given such term in section 2302d of title 10, United States Code.

(5) The term ''pass-through charge'' means a charge for overhead or profit on work performed by a lower-tier contractor (other than charges for the direct costs of managing lower-tier contracts and overhead and profit based on such direct costs) that does not, as determined by the Secretary for purposes of this section, promote significant value added with regard to such work.

(6) The term ''functions closely associated with inherently governmental functions'' has the meaning given such term in section 2383(b)(3) of title 10, United States Code.

AMENDMENT NO. 1563, AS MODIFIED

(Purpose: To authorize the Secretary of the Navy to lease United States Navy Museum facilities at Washington Naval Yard, District of Columbia, to the Naval Historical Foundation)

On page 357, strike line 20 and insert the following:

PART II—NAVY CONVEYANCES

SEC. 2851. LEASE OF UNITED STATES NAVY MUSEUM FACILITIES AT WASHINGTON NAVY YARD, DISTRICT OF COLUMBIA.

(a) LEASE OR LICENSE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Navy may lease or license to the Naval Historical Foundation (in this section referred to as the ''Foundation'') facilities located at Washington Navy Yard, Washington, District of Columbia, that house the United States Navy Museum (in this section referred to as the ''Museum'') for the purpose of carrying out the following activities:

(A) Generation of revenue for the Museum through the rental of facilities to the public, commercial and non-profit entities, State and local governments, and other Federal agencies.

(B) Administrative activities in support of the Museum.

(2) LIMITATION.—Any activities carried out at the facilities leased or licensed under paragraph (1) must be consistent with the operations of the Museum.

(b) CONSIDERATION.—The amount of consideration paid in a year by the Foundation to the United States for the lease or license of facilities under subsection (a) may not exceed the actual cost, as determined by the Secretary, of the annual operation and maintenance of the facilities.

(c) USE OF PROCEEDS.—

(1) DEPOSIT OF PROCEEDS.—The Secretary shall deposit any amounts received under subsection (b) for the lease or license of facilities under subsection (a) into the account for appropriations available for the operation and maintenance of the Museum.

(2) AVAILABILITY OF AMOUNTS.—The Secretary may use any amounts deposited under paragraph (1) to cover the costs associated with the operation and maintenance of the Museum and its exhibits.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease or lease of facilities under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

AMENDMENT NO. 1568, AS MODIFIED

(Purpose: To require quarterly reports on audits of task or delivery order contracts and other contracts related to security and reconstruction activities in Iraq and Afghanistan and to address irregularities identified in such reports)

At the end of subtitle C of title VIII, add the following:

SEC. 824. REPORTS ON CERTAIN DEFENSE CONTRACTS IN IRAQ AND AFGHANISTAN.

(a) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report that lists and describes each task or delivery order contract or other contract related to security and reconstruction activities in Iraq and Afghanistan in which an audit conducted by an investigative or audit component of the Department of Defense during the 90-day period ending on the date of such report resulted in a finding described in subsection (b).

(2) COVERAGE OF SUBCONTRACTS.—For purposes of this section, any reference to a contract shall be treated as a reference to such contract and to any subcontracts under such contract.

(b) COVERED FINDING.—A finding described in this subsection with respect to a task or delivery order contract or other contract described in subsection (a) is a finding by an investigative or audit component of the Department of Defense that the contract includes costs that are unsupported, questioned, or both.

(c) REPORT INFORMATION.—Each report under subsection (a) shall include, with respect to each task or delivery order contract or other contract covered by such report—

(1) a description of the costs determined to be unsupported, questioned, or both; and

(2) a statement of the amount of such unsupported or questioned costs and the percentage of the total value of such task or delivery order that such costs represent.

(d) WITHHOLDING OF PAYMENTS.—In the event that any costs under a task or delivery order contract or other contract described in subsection (a) are determined by an investigative or audit component of the Department of Defense to be unsupported, questioned, or both, the appropriate Federal procurement personnel may withhold from amounts otherwise payable to the contractor under such contract a sum of up to 100 percent of the total amount of such costs.

(e) RELEASE OF WITHHELD PAYMENTS.—Upon a subsequent determination by the appropriate Federal procurement personnel, or investigative or audit component of the Department of Defense, that any unsupported or questioned costs for which an amount payable was withheld under subsection (d) has been determined to be allowable, or upon a settlement negotiated by the appropriate Federal procurement personnel, the appropriate Federal procurement personnel may release such amount for payment to the contractor concerned.

(f) INCLUSION OF INFORMATION ON WITHHOLDING AND RELEASE IN QUARTERLY REPORTS.—Each report under subsection (a) after the initial report under that subsection shall include the following:

(1) A description of each action taken under subsection (d) or (e) during the period covered by such report.

(2) A justification of each determination or negotiated settlement under subsection (d) or (e) that appropriately explains the determination of the applicable Federal procurement personnel in terms of reasonableness, allocability, or other factors affecting the acceptability of the costs concerned.

(g) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Appropriations, Armed Services, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Armed Services, and Government Reform of the House of Representatives.

(2) The term ''investigative or audit component of the Department of Defense'' means any of the following:

(A) The Office of the Inspector General of the Department of Defense.

(B) The Defense Contract Audit Agency.

(C) The Defense Contract Management Agency.

(D) The Army Audit Agency.

(E) The Naval Audit Service.

(F) The Air Force Audit Agency.

(3) The term ''questioned'', with respect to a cost, means an unreasonable, unallocable, or unallowable cost.

AMENDMENT NO. 1574, AS MODIFIED

(Purpose: To require a report on the development of a second domestic source for tire production and supply for the Stryker combat vehicle)

At the end of subtitle B of title I, add the following:

SEC. 114. SECOND SOURCE FOR PRODUCTION AND SUPPLY OF TIRES FOR THE STRYKER COMBAT VEHICLE.

(a) REQUIREMENT.—The Secretary of the Army shall conduct a study of the feasibility and costs and benefits for the participation of a second source for the production and supply of tires for the Stryker combat vehicle, to be procured by the Army with funds authorized to be appropriated in this act.

(c) REPORT.—Not later than 90 days after the date of the enactment of the Act. The Secretary shall submit to the congressional defense committees a report on the results of the study under subsection (a). The report shall include—

(1) an analysis of the capacity of the industrial base in the United States to meet requirements for a second source for the production and supply of tires for the Stryker combat vehicle; and

(2) to the extent that the capacity of the industrial base in the United States is not adequate to meet such requirements, recommendations on means, over the short-term and the long-term, to address that inadequacy.

AMENDMENT NO. 1578, AS MODIFIED

(Purpose: To require reports on significant increases in program acquisition unit costs or procurement unit costs of major defense acquisition programs)

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

SEC. 807. REPORTS ON SIGNIFICANT INCREASES IN PROGRAM ACQUISITION UNIT COSTS OR PROCUREMENT UNIT COSTS OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) INITIAL REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the acquisition status of each major defense acquisition program whose program acquisition unit cost or procurement unit cost, as of the date of the enactment of this Act, has exceeded by more than 50 percent the original baseline projection for such unit cost. The report shall include the information specified in subsection (c).

(c) INFORMATION.—The information specified in this subsection with respect to a major defense acquisition program is the following:

(1) An assessment of the costs to be incurred to complete the program if the program is not modified.

(2) An explanation of why the costs of the program have increased.

(3) A justification for the continuation of the program notwithstanding the increase in costs.

(d) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

AMENDMENT NO. 2446

(Purpose: To require a report on the Department of Defense response to the findings and recommendations of the Defense Science Board Task Force on High Performance Microchip Supply)

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF DEFENSE SCIENCE BOARD TASK FORCE ON HIGH PERFORMANCE MICROCHIP SUPPLY.

(a) REPORT REQUIRED.—Not later than March 15, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the recommendations of the Defense Science Board Task Force on High Performance Microchip Supply.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of each finding of the Task Force.

(2) A detailed description of the response of the Department of Defense to each recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement the recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of the recommendation; and

(B) For each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement the recommendation; and

(ii) a summary of alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(3) A summary of any additional actions the Secretary plan to take to address concerns raised by the Task Force.

(c) CONSULTATION.—To the extent practicable, the Secretary may consult with other departments and agencies of the Federal Government, institutions of higher education and other academic organizations, and industry in the development of the report required by subsection (a).

AMENDMENT NO. 2447

(Purpose: To express the sense of the Senate regarding the investment of funds as called for in the Depot Maintenance Strategy and Master Plan of the Air Force)

On page 66, after line 22, insert the following:

SEC. 330. SENSE OF THE SENATE REGARDING DEPOT MAINTENANCE.

(a) FINDINGS.—The Senate finds that—

(1) the Depot Maintenance Strategy and Master Plan of the Air Force reflects the essential requirements for the Air Force to maintain a ready and controlled source of organic technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements;

(2) since the publication of the Depot Maintenance Strategy and Master Plan of the Air Force in 2002, the service has made great progress toward modernizing all 3 of its Depots, in order to maintain their status as ''world class'' maintenance repair and overhaul operations;

(3) one of the indispensable components of the Depot Maintenance Strategy and Master Plan of the Air Force is the commitment of the Air Force to allocate $150,000,000 a year over 6 years, beginning in fiscal year 2004, for recapitalization and investment, including the procurement of technologically advanced facilities and equipment, of our Nation's 3 Air Force depots; and

(4) the funds expended to date have ensured that transformation projects, such as the initial implementation of ''Lean'' and ''Six Sigma'' production techniques, have achieved great success in reducing the time necessary to perform depot maintenance on aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Air Force should be commended for the implementation of its Depot Maintenance Strategy and Master Plan and, in particular, meeting its commitment to invest $150,000,000 a year over 6 years, since fiscal year 2004, in the Nation's 3 Air Force Depots; and

(2) the Air Force should continue to fully fund its commitment of $150,000,000 a year through fiscal year 2009 in investments and recapitalization projects pursuant to the Depot Maintenance Strategy and Master Plan.

AMENDMENT NO. 2448

(Purpose: To state the policy of the United States on the intercontinental ballistic missile force)

At the end of subtitle G of title X, add the following:

SEC. 1073. POLICY OF THE UNITED STATES ON THE INTERCONTINENTAL BALLISTIC MISSILE FORCE.

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

(1) Consistent with warhead levels agreed to in the Moscow Treaty, the United States is modifying the capacity of the Minuteman III intercontinental ballistic missile (ICBM) from its prior capability to carry up to 3 independent reentry vehicles (RVs) to carry as few as a single reentry vehicle, a process known as downloading.

(2) A series of Department of Defense studies of United States strategic forces, including the 2001 Nuclear Posture Review, has confirmed the continued need for 500 intercontinental ballistic missiles.

(3) In a potential nuclear crisis it is important that the nuclear weapons systems of the United States be configured so as to discourage other nations from making a first strike.

(4) The intercontinental ballistic missile force is currently being considered as part of the deliberations of the Department of Defense for the Quadrennial Defense Review.

(b) STATEMENT OF UNITED STATES POLICY.—It is the policy of the United States to continue to deploy a force of 500 intercontinental ballistic missiles, provided that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.

(c) MOSCOW TREATY DEFINED.—In this section, the term ''Moscow Treaty'' means the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, done at Moscow on May 24, 2002.

AMENDMENT NO. 2449

(Purpose: To require a study on the use of the Space Radar for topographic mapping for scientific and civil purposes)

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON USE OF SPACE RADAR FOR TOPOGRAPHICAL MAPPING FOR SCIENTIFIC AND CIVIL PURPOSES.

(a) IN GENERAL.—Not later than January 15, 2006, the Secretary of Defense shall submit to the congressional defense committees on report on the feasability and advisability of utilizing the Space Radar for purposes of providing coastal zone and other topographical mapping information, and related information, to the scientific community and other elements of the private sector for scientific and civil purposes.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and evaluation of any uses of the Space Radar for scientific or civil purposes that are identified by the Secretary for purposes of the report.

(2) A description and evaluation of any additions or modifications to the Space Radar identified by the Secretary for purposes of the report that would increase the utility of the Space Radar to the scientific community or other elements of the private sector for scientific or civil purposes, including the utilization of additional frequencies, the development or enhancement of ground systems, and the enhancement of operations.

(3) A description of the costs of any additions or modifications identified pursuant to paragraph (2).

(4) A description and evaluation of processes to be utilized to determine the means of modifying the Space Radar in order to meet the needs of the scientific community or other elements of the private sector with respect to the use of the Space Radar for scientific or civil purposes, and a proposal for meeting the costs of such modifications.

(5) A description and evaluation of the impacts, if any, on the primary missions of the Space Radar, and on the development of the Space Radar, of the use of the Space Radar for scientific or civil purposes.

(6) A description of the process for developing requirements for the Space Radar, including the involvement of the Civil Applications Committee.

AMENDMENT NO. 2450

(Purpose: To amend the assistance to local educational agencies with significant enrollment changes in military dependent students due to force structure changes, troop relocations, creation of new units, and realignment under BRAC)

In the section heading of section 582, insert ''**OR DECREASES**'' after ''**INCREASES**''.

In section 582(a), insert ''or decrease'' after ''overall increase''.

In the matter preceding subparagraph (A) of section 582(b)(2), insert ''or decrease'' after ''overall increase''.

In section 582(b)(2)(B), strike ''; or'' and insert a semicolon.

In section 582(b)(2)(C), strike the period at the end and insert ''; or''.

In section 528(b)(2), add at the end the following:

(D) a change in the number of housing units on a military installation.

In section 582(d)(1), insert ''or decrease'' after ''overall increase''.

AMENDMENT NO. 2451

(Purpose: To authorize pilot projects to encourage pediatric early literacy among children of members of the Armed Forces)

At the end of subtitle G of title V, add the following:

SEC. 585. PILOT PROJECTS ON PEDIATRIC EARLY LITERACY AMONG CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) PILOT PROJECTS AUTHORIZED.—The Secretary of Defense may conduct pilot projects to assess the feasibility, advisability, and utility of encouraging pediatric literacy among the children of members of the Armed Forces utilizing the Reach Out and Read model of pediatric early literacy.

(b) LOCATIONS.—

(1) IN GENERAL.—The pilot projects conducted under subsection (a) shall be conducted at not more than 20 military medical treatment facilities designated by the Secretary for purposes of this section.

(2) CO-LOCATION WITH CERTAIN INSTALLATIONS.—In designating military medical treatment facilities under paragraph (1), the Secretary shall, to the extent practicable, designate facilities that are located on, or co-located with, military installations at which the mobilization or demobilization of members of the Armed Forces occurs.

(c) ACTIVITIES.—Activities under the pilot projects conducted under subsection (a) shall include activities in accordance with the Reach Out and Read model of pediatric early literacy as follows:

(1) The provision of training to health care providers and other appropriate personnel on early literacy promotion.

(2) The purchase and distribution of children's books to members of the Armed Forces, their spouses, and their children.

(3) The modification of treatment facility and clinic waiting rooms to include a full selection of literature for children.

(4) The dissemination to members of the Armed Forces and their spouses of parent education materials on pediatric early literacy.

(5) Such other activities as the Secretary considers appropriate.

(d) CONSULTATION.—The Secretary shall consult with the Reach Out and Read National Center in the development and implementation of the pilot projects conducted under this section, including in the designation of locations of the pilot projects under subsection (b).

(e) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2007, the Secretary shall submit to the congressional defense committees a report on the pilot projects conducted under this section.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of the pilot projects conducted under this section, including the location of each pilot project and the activities conducted under each pilot project; and

(B) an assessment of the feasibility, advisability, and utility of encouraging pediatric early literacy among the children of members of the Armed Forces utilizing the Reach Out and Read model of pediatric early literacy.

(f) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, up to $2,000,000 may be available for the pilot projects authorized by this section.

(2) AVAILABILITY.—The amount available under paragraph (1) shall remain available until expended.

AMENDMENT NO. 2452

(Purpose: To require the Secretary of Defense to establish a uniform policy for the Armed Forces on parental leave and similar leave)

At the end of subtitle F of title V, add the following:

SEC. 573. UNIFORM POLICY ON PARENTAL LEAVE AND SIMILAR LEAVE.

(a) POLICY REQUIRED.—The Secretary of Defense shall prescribe in regulations a uniform policy for the taking by members of the Armed Forces of parental leave to cover leave to be used in connection with births or adoptions, as the Secretary shall designate under the policy.

(b) UNIFORMITY ACROSS ARMED FORCES.—The policy prescribed under subsection (a) shall apply uniformly across the Armed Forces.

AMENDMENT NO. 2453

(Purpose: To make available $80,000,000 for coproduction of the Arrow ballistic missile defense system)

At the end of subtitle C of title II, add the following:

SEC. 224. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(5) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense, $80,000,000 may be available for coproduction of the Arrow ballistic missile defense system.

AMENDMENT NO. 2454

(Purpose: Relating to the acquisition strategy of the Department of Defense for commercial satellite communication services)

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

SEC. 807. ACQUISITION STRATEGY FOR COMMERCIAL SATELLITE COMMUNICATION SERVICES.

(a) REQUIREMENT FOR SPEND ANALYSIS.—The Secretary of Defense shall, as a part of the effort of the Department of Defense to develop a revised strategy for acquiring commercial satellite communication services, perform a complete spend analysis of the past and current acquisitions by the Department of commercial satellite communication services.

(b) REPORT ON ACQUISITION STRATEGY.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the acquisition strategy of the Department of Defense for commercial satellite communications services.

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

(A) A description of the spend analysis required by subsection (a), including the results of the analysis.

(B) The proposed strategy of the Department for acquiring commercial satellite communication services, which strategy shall—

(i) be based in appropriate part on the results of the analysis required by subsection (a); and

(ii) take into account various methods of aggregating purchases and leveraging the purchasing power of the Department, including through the use of multiyear contracting for commercial satellite communication services.

(C) A proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite communications services using methods of aggregating purchases and leveraging the purchasing power of the Department (including the use of multiyear contracting), or if the use of such methods is determined inadvisable, a statement of the rationale for such determination.

(D) A proposal for such other legislative action that the Secretary considers necessary to implement the strategy of the Department for acquiring commercial satellite communication services.

AMENDMENT NO. 2455

(Purpose: To require a report on nonstrategic nuclear weapons)

On page 296, after line 19, add the following:

SEC. 1205. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.

(a) REVIEW.—No later than six months after date of enactment, the Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of United States and Russian nonstrategic nuclear weapons and determine whether it is in the national security interest of the United States—

(1) to reduce the number of United States and Russian nonstrategic nuclear weapons;

(2) to improve the security of United States and Russian nonstrategic nuclear weapons in storage storage and during transport;

(3) to identify and develop mechanisms and procedures to implement transparent reductions in nonstrategic nuclear weapons; and

(4) to identify and develop mechanisms and procedures to implement the transparent dismantlement of excess nonstrategic nuclear weapons.

(b) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of State and the Secretary of Energy, submit a joint report ton the results of the review required under subsection (a). The report shall include a plan to implement, not later than October 1, 2006, actions determined to be in the United States national security interest.

(2) FORM.—The report require under paragraph (1) shall be submitted in unclassified form, but may include an unclassified annex.

AMENDMENT NO. 2456

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

SEC. 718. MENTAL HEALTH COUNSELORS UNDER TRICARE.

(a) IN GENERAL.—Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(17) Services of mental health counselors, except that—

''(A) such services are limited to services provided by counselors who are licensed under applicable State law to provide mental health services;

''(B) such services may be provided independently of medical oversight and supervision only in areas identified by the Secretary as 'medically underserved areas' where the Secretary determines that 25 percent or more of the residents are located in primary shortage areas designated pursuant to section 332 of the Public Health Services Act (42 U.S.C. 254e); and

''(C) the provision of such services shall be consistent with such rules as may be prescribed by the Secretary of Defense, including criteria applicable to credentialing or certification of mental health counselors and a requirement that mental health counselors accept payment under this section as full payment for all services provided pursuant to this paragraph.''.

(b) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting ''mental health counselors,'' after ''psychologists,''.

AMENDMENT NO. 2457

(Purpose: To clarify certain authorities relating the Commission on the National Guard and Reserves)

At the end of subtitle H of title V, add the following:

SEC. ____. CLARIFICATION OF CERTAIN AUTHORITIES RELATING TO THE COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) NATURE OF COMMISSION.—Subsection (a) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1880) is amended by inserting ''in the legislative branch'' after ''There is established''.

(b) PAY OF MEMBERS.—Subsection (e)(1) of such section is amended striking ''except that'' and all that follows through the end and inserting ''except that—

''(A) in applying the first sentence of subsection (a) of section 957 of such Act to the Commission, 'may' shall be substituted for 'shall'; and

''(B) in applying subsections (a), (c)(2), and (e) of section 957 of such Act to the Commission, 'level IV of the Executive Schedule' shall be substituted for 'level V of the Executive Schedule'.''.

(c) TECHNICAL AMENDMENT.—Subsection (c)(2)(C) of such section is amended by striking ''section 404(a)(4)'' and inserting ''section 416(a)(4)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

AMENDMENT NO. 2458

(Purpose: To enhance various authorities to assist the recruitment efforts of the Armed Forces)

On page 144, strike lines 1 through 3 and insert the following:

SEC. 619. RETENTION INCENTIVE AND ASSIGNMENT BONUS FOR MEMBERS OF THE SELECTED RESERVE QUALIFIED IN A CRITICAL MILITARY SKILL OR WHO VOLUNTEER FOR ASSIGNMENT TO A HIGH PRIORITY UNIT.

On page 144, in the amendment made by section 619, strike line 8 and all that follows through page 145, line 12, and insert the following:

''§ 308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill; assignment bonus for members of the Selected Reserve who volunteer for assignment to a high priority unit

''(a) BONUSES AUTHORIZED.—(1) An eligible officer or enlisted member of the armed forces may be paid a retention bonus as provided in this section if—

''(A) in the case of an officer or warrant officer, the member executes a written agreement to remain in the Selected Reserve for at least 2 years;

''(B) in the case of an enlisted member, the member reenlists or voluntarily extends the member's enlistment in the Selected Reserve for a period of at least 2 years; or

''(C) in the case of an enlisted member serving on an indefinite reenlistment, the member executes a written agreement to remain in the Selected Reserve for at least 2 years.

''(2) An officer or enlisted member of the armed forces may be paid an assignment bonus as provided in this section if the member voluntarily agrees to an assignment to a high priority unit of the Selected Reserve of the Ready Reserve of an armed force for at least 2 years.

''(b) MEMBERS ELIGIBLE FOR RETENTION BONUS.—Subject to subsection (d), an officer or enlisted member is eligible under subsection (a)(1) for a retention bonus under this section if the member—

''(1) is qualified in a military skill or specialty designated as critical for purposes of this section under subsection (c); or

''(2) agrees to train or retrain in a military skill or specialty so designated as critical.

''(c) DESIGNATION OF CRITICAL SKILLS OR SPECIALTIES AND HIGH PRIORITY UNITS.—The Secretary concerned shall—

''(1) designate the military skills and specialties that shall be treated as critical military skills and specialties for purposes of this section; and

''(2) designate the units that shall be treated as high priority units for purposes of this section.

On page 148, strike the matter between lines 6 and 7 and insert the following:

''308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill; assignment bonus for members of the Selected Reserve who volunteer for assignment to a high priority unit.''.

At the end of division A, add the following:

TITLE XV—RECRUITMENT AND RETENTION

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Military Recruiting Initiatives Act of 2005''.

SEC. 1502. INCREASE IN MAXIMUM ENLISTMENT BONUS.

(a) ENLISTMENT BONUS FOR SELECTED RESERVE MEMBERS.—Section 308c(b) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

(b) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(a) of title 37, United States Code, is amended by striking ''$20,000'' and inserting ''$40,000''.

SEC. 1503. TEMPORARY AUTHORITY TO PAY BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) AUTHORITY TO PAY BONUS.—The Secretary of the Army may pay a bonus under this section to a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve, who refers to an Army recruiter a person who has not previously served in an Armed Force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

(1) when a member of the Army contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the member in initially recruiting the person.

(c) CERTAIN REFERRALS INELIGIBLE.—

(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

(2) MEMBERS IN RECRUITING ROLES.—A member of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

(d) AMOUNT OF BONUS.—The amount of the bonus paid for a referral under subsection (a) may not exceed $1,000. The bonus shall be paid in a lump sum.

(e) TIME OF PAYMENT.—A bonus may not be paid under subsection (a) with respect to a person who enlists in the Army until the person completes basic training and individual advanced training.

(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10, United States Code.

(g) LIMITATION ON INITIAL USE OF AUTHORITY.—During the first year in which bonuses are offered under this section, the Secretary of the Army may not pay more than 1,000 referral bonuses per component of the Army.

(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2007.

SEC. 1504. INCREASE IN MAXIMUM AGE FOR ENLISTMENT.

Section 505(a) of title 10, United States Code, is amended by striking ''thirty-five years of age'' and inserting ''forty-two years of age''.

SEC. 1505. REPEAL OF PROHIBITION ON PRIOR SERVICE ENLISTMENT BONUS FOR RECEIPT OF OTHER ENLISTMENT OR REENLISTMENT BONUS FOR SERVICE IN THE SELECTED RESERVE.

Section 308i(a)(2) of title 37, United States Code, is amended by striking subparagraph (D).

SEC. 1506. INCREASE AND ENHANCEMENT OF AFFILIATION BONUS FOR OFFICERS OF THE SELECTED RESERVE.

(a) REPEAL OF PROHIBITION ON ELIGIBILITY FOR PRIOR RESERVE SERVICE.—Subsection (a)(2) of section 308j of title 37, United States Code, is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) INCREASE IN MAXIMUM AMOUNT.—Subsection (d) of such section is amended by striking ''$6,000'' and inserting ''$10,000''.

SEC. 1507. ENHANCEMENT OF EDUCATIONAL LOAN REPAYMENT AUTHORITIES.

(a) ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of section 2171(a) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) any loan incurred for educational purposes made by a lender that is—

''(i) an agency or instrumentality of a State;

''(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

''(iii) a pension fund approved by the Secretary for purposes of this section; or

''(iv) a non-profit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.''.

(b) ELIGIBILITY OF OFFICERS.—Paragraph (2) of such section is amended by striking ''an enlisted member in a military specialty'' and inserting ''a member in an officer program or military specialty''.

SEC. 1508. REPORT ON RESERVE DENTAL INSURANCE PROGRAM.

(a) STUDY.—The Secretary of Defense shall conduct a study of the Reserve Dental Insurance program.

(b) ELEMENTS.—The study required by subsection (a) shall—

(1) identify the most effective mechanism or mechanisms for the payment of premiums under the Reserve Dental Insurance program for members of the reserve components of the Armed Forces and their dependents, including by deduction from reserve pay, by direct collection, or by other means (including appropriate mechanisms from other military benefits programs), to ensure uninterrupted availability of premium payments regardless of whether members are performing active duty with pay or inactive-duty training with pay;

(2) include such matters relating to the Reserve Dental Insurance program as the Secretary considers appropriate; and

(3) assess the effectiveness of mechanisms for informing the members of the reserve components of the Armed Forces of the availability of, and benefits under, the Reserve Dental Insurance program.

(c) REPORT.—Not later than February 1, 2007, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include the findings of the study and such recommendations for legislative or administrative action regarding the Reserve Dental Insurance program as the Secretary considers appropriate in light of the study.

(d) RESERVE DENTAL INSURANCE PROGRAM DEFINED.—In this section, the term ''Reserve Dental Insurance program'' includes—

(1) the dental insurance plan required under paragraph (1) of section 1076a(a) of title 10, United States Code; and

(2) any dental insurance plan established under paragraph (2) or (4) of section 1076a(a) of title 10, United States Code.

AMENDMENT NO. 2459

(Purpose: To require guidelines on the use of tiered evaluations for offers for contracts and task orders under contracts)

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

SEC. 807. GUIDANCE ON USE OF TIERED EVALUATION OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall prescribe guidance for the military departments and the Defense Agencies on the use of tiered evaluations of offers or proposals of offerors for contracts and for task orders under contracts.

(b) ELEMENTS.—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer or proposal of an offeror for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation why such contracting officer was unable to make such determination.

AMENDMENT NO. 2460

(Purpose: To provide for consumer education on insurance and other financial services for members of the Armed Forces and their spouses)

At the end of subtitle H of title V, add the following:

SEC. 596. CONSUMER EDUCATION FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES ON INSURANCE AND OTHER FINANCIAL SERVICES.

(a) EDUCATION AND COUNSELING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 992. Consumer education: financial services

''(a) REQUIREMENT FOR CONSUMER EDUCATION PROGRAM FOR MEMBERS.—(1) The Secretary concerned shall carry out a program

to provide comprehensive education to members of the armed forces under the jurisdiction of the Secretary on—

''(A) financial services that are available under law to members;

''(B) financial services that are routinely offered by private sector sources to members;

''(C) practices relating to the marketing of private sector financial services to members;

''(D) such other matters relating to financial services available to members, and the marketing of financial services to members, as the Secretary considers appropriate; and

''(E) such other financial practices as the Secretary considers appropriate.

''(2) Training under this subsection shall be provided to members as—

''(A) a component of members initial entry orientation training; and

''(B) a component of periodically recurring required training that is provided for the members at military installations.

''(3) The training provided at a military installation under paragraph (2)(B) shall include information on any financial services marketing practices that are particularly prevalent at that military installation and in the vicinity.

''(b) COUNSELING FOR MEMBERS AND SPOUSES.—(1) The Secretary concerned shall, upon request, provide counseling on financial services to each member of the armed forces, and such member's spouse, under the jurisdiction of the Secretary.

''(2)(A) In the case of a military installation at which at least 2,000 members of the armed forces on active duty are assigned, the Secretary concerned—

''(i) shall provide counseling on financial services under this subsection through a full-time financial services counselor at such installation; and

''(ii) may provide such counseling at such installation by any means elected by the Secretary from among the following:

''(I) Through members of the armed forces in grade E–7 or above, or civilians, who provide such counseling as part of their other duties for the armed forces or the Department of Defense.

''(II) By contract, including contract for services by telephone and by the Internet.

''(III) Through qualified representatives of nonprofit organizations and agencies under formal agreements with the Department of Defense to provide such counseling.

''(B) In the case of any military installation not described in subparagraph (A), the Secretary concerned shall provide counseling on financial services under this subsection at such installation by any of the means set forth in subparagraph (A)(ii), as elected by the Secretary concerned.

''(3) Each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraph (2), shall be an individual who, by reason of education, training, or experience, is qualified to provide helpful counseling to members of the armed forces and their spouses on financial services and marketing practices described in subsection (a)(1). Such individual may be a member of the armed forces or an employee of the Federal Government.

''(4) The Secretary concerned shall take such action as is necessary to ensure that each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraphs (2), is free from conflicts of interest relevant to the performance of duty under this section. and, in the performance of that duty, is dedicated to furnishing members of the armed forces and their spouses with helpful information and counseling on financial services and related marketing practices.

''(c) LIFE INSURANCE.—(1) In counseling a member of the armed forces, or spouse of a member of the armed forces, under this section regarding life insurance offered by a private sector source, a financial services counselor under subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), shall furnish the member or spouse, as the case may be, with information on the availability of Servicemembers' Group Life Insurance under subchapter III of chapter 19 of title 38, including information on the amounts of coverage available and the procedures for electing coverage and the amount of coverage.

''(2)(A) A covered member of the armed forces may not authorize payment to be made for private sector life insurance by means of an allotment of pay to which the member is entitled under chapter 3 of title 37 unless the authorization of allotment is accompanied by a written certification by a commander of the member, a financial services counselor referred to in subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), as applicable, that the member has received counseling under paragraph (1) regarding the purchase of coverage under that private sector life insurance.

''(B) Subject to subparagraph (C), a written certification described in subparagraph (A) may not be made with respect to a member's authorization of allotment as described in subparagraph (A) until seven days after the date of the member's authorization of allotment in order to facilitate the provision of counseling to the member under paragraph (1).

''(C) The commander of a member may waive the applicability of subparagraph (B) to a member for good cause, including the member's imminent change of station.

''(D) In this paragraph, the term 'covered member of the armed forces' means an active duty member of the armed forces in grades E–1 through E–4.

''(d) FINANCIAL SERVICES DEFINED.—In this section, the term 'financial services' includes the following:

''(1) Life insurance, casualty insurance, and other insurance.

''(2) Investments in securities or financial instruments.

''(3) Banking, credit, loans, deferred payment plans, and mortgages.''.

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

''992. Consumer education: financial services.''.

(b) CONTINUING EFFECT OF EXISTING ALLOTMENTS FOR LIFE INSURANCE.—Paragraph (c)(2) of section 992 of title 10, United States Code (as added by subsection (a)), shall not affect any allotment of pay authorized by a member of the Armed Forces before the effective date of such section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

AMENDMENT NO. 2461

(Purpose: To authorize funding for a human resources benefit call center for the Navy)

On page 52, between lines 5 and 6, insert the following:

SEC. 304. NAVY HUMAN RESOURCES BENEFIT CALL CENTER.

Of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, $1,500,000 may be available for civilian manpower and personnel for a human resources benefit call center.

AMENDMENT NO. 2462

(Purpose: To require a report on any proposed change to the acquisition strategy for a defense or joint business information system)

On page 213, between lines 2 and 3, insert the following:

SEC. 807. CONGRESSIONAL NOTIFICATION OF CANCELLATION OF MAJOR AUTOMATED INFORMATION SYSTEMS.

(a) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees not less than 60 days before cancelling a major automated information system program that has been fielded or approved to be fielded, or making a change that will significantly reduce the scope of such a program, of the proposed cancellation or change.

(c) CONTENT.—Each notification submitted under subsection (a) with respect to the proposed cancellation or change shall include—

(1) the specific justification for the proposed change;

(2) a description of the impact of the proposed change on the Departments ability to achieve the objectives of the program that has been cancelled or changed:

(3) a description of the steps that the Department plans to take to achieve such objectives; and

(4) other information relevant to the change in acquisition strategy.

(e) DEFINITIONS.—In this section:

(1) The term ''major automated information system'' has the meaning given that term in Department of Defense Directive 5000.

(2) The term ''approved to be fielded'' means having received Milestone C approval.

AMENDMENT NO. 2463

(Purpose: To provide that, of the amount authorized to be appropriated to the Department of Army for military construction projects at Fort Gillem, Georgia, $4,550,000 is available for the construction of a military police complex at Fort Gordon, Georgia)

On page 310, in the table following line 16, strike ''$8,450,000'' in the amount column of the item relating to Fort Gillem, Georgia, and insert ''$3,900,000''.

On page 310, in the table following line 16, insert after the item relating to Fort Gillem, Georgia, the following:

	Fort Gordon	$4,550,000

AMENDMENT NO. 2464

(Purpose: To increase by $360,800,000 the amount of supplemental appropriations for Other Procurement, Army, for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan or for other Army priorities, and to provide an offset)

At the end of title XIV of division A, add the following:

SEC. 1411. TACTICAL WHEELED VEHICLES.

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army is hereby increased by $360,800,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army, as increased by subsection (a), $360,800,000 may be made available—

(1) for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), including Low Signature Armored Cabs for the family of MTVs, and armored Heavy Tactical Vehicles (HTVs); and

(2) to the extent the Secretary of the Army determines that such amount is not needed for the procurement of such armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan, for the procurement of such armored vehicles in accordance with other priorities of the Army.

(c) OFFSET.—The amount authorized to be appropriated by section 1409(a) for the Iraq Freedom Fund is hereby reduced by $360,800,000.

AMENDMENT NO. 2465

(Purpose: To make available, with an offset, $10,000,000 for the pilot projects on early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions)

At the end of section 732, add the following:

(d) FUNDING.—

(1) IN GENERAL.—(A) The amount authorized to be appropriated by section 303(a) for the Defense Health Program is hereby increased by $10,000,000.

(B) Of the amount authorized to be appropriated by section 303(a) for the Defense Health Program, as increased by subparagraph (A), $10,000,000 shall be available for pilot projects under this section.

(C) The amount available under subparagraph (B) shall remain available until expended.

(2) OFFSET.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby decreased by $10,000,000.

AMENDMENT NO. 2466

(Purpose: To improve recruitment and retention in the Armed Forces)

On page 104, in the amendment made by section 571, strike line 24 and all that follows through page 105, line 3, and insert the following:

310(a) of title 37;

''(ii) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section; or

''(iii) on or after August 29, 2005, performs duty designated by the Secretary of Defense as qualifying duty for purposes of this subsection.''.

At the end of title VI, add the following:

Subtitle F—Enhancement of Authorities for Recruitment and Retention

SEC. 671. INCREASE IN MAXIMUM RATE OF ASSIGNMENT INCENTIVE PAY.

(a) INCREASE IN MAXIMUM RATE.—Section 307a(c) of title 37, United States Code, is amended by striking ''$1,500'' and inserting ''$3,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

SEC. 672. TEMPORARY INCREASE IN BASIC ALLOWANCE FOR HOUSING IN AREAS SUBJECT TO DECLARATION OF A MAJOR DISASTER.

(a) TEMPORARY INCREASE AUTHORIZED.—Section 403(b) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5)(A) The Secretary of Defense may prescribe a temporary increase in rates of basic allowance for housing in a military housing area located in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

''(B) The amount of the increase under this paragraph in rates of basic allowance for housing in an area by reason of a disaster shall be based on a determination by the Secretary of the amount by which the costs of adequate housing for civilians have increased in the area by reason of the disaster.

''(C) The amount of any increase under this paragraph in a rate of basic allowance for housing may not exceed the amount equal to 20 percent of such rate of basic allowance for housing.

''(D) A member may be paid a basic allowance for housing at a rate increased under this paragraph by reason of a disaster only if the member certifies to the Secretary concerned that the member has incurred increased housing costs in the area concerned by reason of the disaster.

''(E) An increase in rates of basic allowance for housing in an area under this paragraph shall remain in effect until the effective date of the first adjustment in rates of basic allowance for housing made for the area pursuant to a redetermination of housing costs in the area under paragraph (4) that occurs after the date of the increase under this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 1, 2005, and shall apply with respect to months beginning on or after that date.

SEC. 673. TEMPORARY AUTHORITY FOR INCENTIVES FOR RECRUITMENT OF MILITARY PERSONNEL.

(a) AUTHORITY TO PROVIDE INCENTIVES.—The Secretary of Defense may, in consultation with the Director of the Office of Management and Budget, develop and provide incentives (in addition to any other incentives authorized by law) for the recruitment of individuals as officers and enlisted members of the Armed Forces.

(b) CONSTRUCTION WITH OTHER PERSONNEL AUTHORITIES.—

(1) IN GENERAL.—Incentives may be provided under subsection (a)—

(A) without regard to the lack of specific authority for such incentives under title 10, United States Code, or title 37, United States Code; and

(B) notwithstanding any provision of title 10, United States Code, or title 37, United States Code, or any rule or regulation prescribed under such provision, relating to methods of—

(i) determining requirements for, and the compensation of, members of the Armed Forces who are assigned duty as military recruiters; or

(ii) providing incentives to individuals to accept commissions or enlist in the Armed Forces, including the provision of group or individual bonuses, pay, or other incentives.

(2) WAIVER OF OTHERWISE APPLICABLE LAWS.—No provision of title 10, United States Code, or title 37, United States Code, may be waived with respect to, or otherwise determined to be inapplicable to, the provision of incentives under subsection (a) except with the approval of the Secretary.

(c) PLANS.—

(1) DEVELOPMENT OF PLANS.—Before providing an incentive under subsection (a), or entering into any agreement or contract with respect to the provision of such incentive, the Secretary shall develop a plan that includes—

(A) a description of such incentive, including the purpose of such project and the members (or potential recruits) of the Armed Forces to be addressed by such incentive;

(B) a statement of the anticipated outcomes of such incentive; and

(C) the method of evaluating the effectiveness of such incentive.

(2) SUBMITTAL OF PLANS.—Not later than 30 days before the provision of an incentive under subsection (a), the Secretary shall submit a copy of the plan developed under paragraph (1) on such incentive—

(A) to the elements of the Department of Defense to be affected by the provision of such incentive; and

(B) to Congress.

(d) LIMITATIONS.—

(1) NUMBER OF INDIVIDUALS.—The number of individuals provided incentives under subsection (a) may not exceed the number of individuals equal to 20 percent of the accession mission of the Armed Force concerned for the fiscal year in which such incentives are first provided.

(2) DURATION OF PROVISION.—The provision of incentives under subsection (a) shall terminate not later than the end of the three-year period beginning on the date on which the provision of such incentives commences (except that such incentives may continue to be provided beyond the date otherwise provided in this paragraph to the extent necessary to evaluate the effectiveness of such incentives).

(e) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit to Congress on an annual basis a report on the incentives provided under subsection (a) during the preceding year.

(2) ELEMENTS.—Each report under this subsection shall include—

(A) a description of the incentives provided under subsection (a) during the fiscal year covered by such report; and

(B) an assessment of the impact of such incentives on the recruitment of individuals as officers or enlisted members of the Armed Forces.

SEC. 674. PAY AND BENEFITS TO FACILITATE VOLUNTARY SEPARATION OF TARGETED MEMBERS OF THE ARMED FORCES.

(a) PAY AND BENEFITS AUTHORIZED.—

(1) IN GENERAL.—Chapter 59 of title 10, United States Code, is amended by inserting after section 1175 the following new section:

''§ 1175a. Voluntary separation pay and benefits

''(a) IN GENERAL.—Under regulations approved by the Secretary of Defense, the Secretary concerned may provide voluntary separation pay and benefits in accordance with this section to eligible members of the armed forces who are voluntarily separated from active duty in the armed forces.

''(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member of the armed forces is eligible for voluntary separation pay and benefits under this section if the member—

''(A) has served on active duty for more than 6 years but not more than 20 years;

''(B) has served at least 5 years of continuous active duty immediately preceding the date of the member's separation from active duty;

''(C) has not been approved for payment of a voluntary separation incentive under section 1175 of this title;

''(D) meets such other requirements as the Secretary concerned may prescribe, which may include requirements relating to—

''(i) years of service, skill, rating, military specialty, or competitive category;

''(ii) grade or rank;

''(iii) remaining period of obligated service; or

''(iv) any combination of these factors; and

''(E) requests separation from active duty.

''(2) The following members are not eligible for voluntary separation pay and benefits under this section:

''(A) Members discharged with disability severance pay under section 1212 of this title.

''(B) Members transferred to the temporary disability retired list under section 1202 or 1205 of this title.

''(C) Members being evaluated for disability retirement under chapter 61 of this title.

''(D) Members who have been previously discharged with voluntary separation pay.

''(E) Members who are subject to pending disciplinary action or who are subject to administrative separation or mandatory discharge under any other provision of law or regulations.

''(3) The Secretary concerned shall determine each year the number of members to be separated, and provided separation pay and benefits, under this section during the fiscal year beginning in such year.

''(c) SEPARATION.—Each eligible member of the armed forces whose request for separation from active duty under subsection (b)(1)(E) is approved shall be separated from active duty.

''(d) ADDITIONAL SERVICE IN READY RESERVE.—Of the number of members of the armed forces to be separated from active duty in a fiscal year, as determined under subsection (b)(3), the Secretary concerned shall determine a number of such members, in such skill and grade combinations as the Secretary concerned shall designate, who shall serve in the Ready Reserve, after separation from active duty, for a period of not less than three years, as a condition of the receipt of voluntary separation pay and benefits under this section.

''(e) SEPARATION PAY AND BENEFITS.—(1) A member of the armed forces who is separated from active duty under subsection (c) shall be paid voluntary separation pay in accordance with subsection (g) in an amount determined by the Secretary concerned pursuant to subsection (f).

''(2) A member who is not entitled to retired or retainer pay upon separation shall be entitled to the benefits and services provided under—

''(A) chapter 58 of this title during the 180-day period beginning on the date the member is separated (notwithstanding any termination date for such benefits and services otherwise applicable under the provisions of such chapter); and

''(B) sections 404 and 406 of title 37.

''(f) COMPUTATION OF VOLUNTARY SEPARATION PAY.—The Secretary concerned shall specify the amount of voluntary separation pay that an individual or defined group of members of the armed forces may be paid under subsection (e)(1). No member may receive as voluntary separation pay an amount greater than three times the full amount of separation pay for a member of the same pay grade and years of service who is involuntarily separated under section 1174 of this title.

''(g) PAYMENT OF VOLUNTARY SEPARATION PAY.—(1) Voluntary separation pay under this section may be paid in a single lump sum.

''(2) In the case of a member of the armed forces who, at the time of separation under subsection (c), has completed at least 15 years, but less than 20 years, of active service, voluntary separation pay may be paid, at the election of the Secretary concerned, in—

''(A) a single lump sum;

''(B) installments over a period not to exceed 10 years; or

''(C) a combination of lump sum and such installments.

''(h) COORDINATION WITH RETIRED OR RETAINER PAY AND DISABILITY COMPENSATION.—(1) A member who is paid voluntary separation pay under this section and who later qualifies for retired or retainer pay under this title or title 14 shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such retired or retainer pay is equal to the total amount of voluntary separation pay so paid.

''(2)(A) Except as provided in subparagraphs (B) and (C), a member who is paid voluntary separation pay under this section shall not be deprived, by reason of the member's receipt of such pay, of any disability compensation to which the member is entitled under the laws administered by the Secretary of Veterans Affairs, but there shall be deducted from such disability compensation an amount, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such disability compensation is equal to the total amount of voluntary separation pay so paid.

''(B) No deduction shall be made from the disability compensation paid to an eligible disabled uniformed services retiree under section 1413, or to an eligible combat-related disabled uniformed services retiree under section 1413a of this title, who is paid voluntary separation pay under this section.

''(C) No deduction may be made from the disability compensation paid to a member for the amount of voluntary separation pay received by the member because of an earlier discharge or release from a period of active duty if the disability which is the basis for that disability compensation was incurred or aggravated during a later period of active duty.

''(3) The requirement under this subsection to repay voluntary separation pay following retirement from the armed forces does not apply to a member who was eligible to retire at the time the member applied and was accepted for voluntary separation pay and benefits under this section.

''(4) The Secretary concerned may waive the requirement to repay voluntary separation pay under paragraphs (1) and (2) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(i) RETIREMENT DEFINED.—In this section, the term 'retirement' includes a transfer to the Fleet Reserve or Fleet Marine Corps Reserve.

''(j) REPAYMENT FOR MEMBERS WHO RETURN TO ACTIVE DUTY.—(1) Except as provided in paragraphs (2) and (3), a member of the armed forces who, after having received all or part of voluntary separation pay under this section, returns to active duty shall have deducted from each payment of basic pay, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such basic pay equals the total amount of voluntary separation pay received.

''(2) Members who are involuntarily recalled to active duty or full-time National Guard duty in accordance with section 12301(a), 12301(b), 12301(g), 12302, 12303, or 12304 of this title or section 502(f)(1) of title 32 shall not be subject to this subsection.

''(3) Members who are recalled or perform active duty or full-time National Guard duty in accordance with section 101(d)(1), 101(d)(2), 101(d)(5), 12301(d) (insofar as the period served is less than 180 consecutive days with the consent of the member), 12319, or 12503 of title 10, or section 114, 115, or 502(f)(2) of title 32 (insofar as the period served is less than 180 consecutive days with consent of the member), shall not be subject to this subsection.

''(4) The Secretary of Defense may waive, in whole or in part, repayment required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States. The authority in this paragraph may be delegated only to the Undersecretary of Defense for Personnel and Readiness and the Principal Deputy Undersecretary of Defense for Personnel and Readiness.

''(k) TERMINATION OF AUTHORITY.—(1) The authority to separate a member of the armed forces from active duty under subsection (c) shall terminate on December 31, 2008.

''(2) A member who separates by the date specified in paragraph (1) may continue to be provided voluntary separation pay and benefits under this section until the member has received the entire amount of pay and benefits to which the member is entitled under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting after the item relating to section 1175 the following new item:

''1175a. Voluntary separation pay and benefits.''.

(b) LIMITATION ON APPLICABILITY.—During the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the members of the Armed Forces who are eligible for separation, and for the provision of voluntary separation pay and benefits, under section 1175a of title 10, United States Code (as added by subsection (a)), shall be limited to officers of the Armed Forces who meet the eligibility requirements of section 1175a(b) of title 10, United States Code (as so added), but have not completed more than 12 years of active service as of the date of separation from active duty.

(c) OFFICER SELECTIVE EARLY RETIREMENT.—Section 638a(a) of title 10, United States Code, is amended by adding at the end the following new sentence: ''During the period beginning on October 1, 2005, and ending on December 31, 2011, the Secretary of Defense may also authorize the Secretary of the Navy and the Secretary of the Air Force to take any of the actions set forth in such subsection with respect to officers of the armed forces under the jurisdiction of such Secretary.''.

AMENDMENT NO. 2467

(Purpose: To improve the authority for reimbursement for protective, safety, and health equipment purchased for members of the Armed Forces deployed in Iraq and Central Asia)

At the end of subtitle C of title III, add the following:

SEC. ___. REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOYMENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.

(a) REIMBURSEMENT REQUIRED.—

(1) IN GENERAL.—Subject to subsections (d) and (e), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2), for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation if the unit commander of such member certifies that such equipment was critical to the protection, safety, or health of such member.

(2) COVERED PERSONS AND ENTITIES.—A person or entity referred to in this paragraph is a family member or relative of a member of the Armed Forces, a non-profit organization, or a community group.

(3) REGULATIONS NOT REQUIRED FOR REIMBURSEMENT.—Reimbursements may be made under this subsection in advance of the promulgation by the Secretary of Defense of regulations, if any, relating to the administration of this section.

(b) PROTECTIVE EQUIPMENT REIMBURSEMENT FUND.—

(1) ESTABLISHMENT.—There is hereby established an account to be known as the ''Protective Equipment Reimbursement Fund'' (in this subsection referred to as the ''Fund'').

(2) ELEMENTS.—The Fund shall consist of amounts deposited in the Fund from amounts available for the Fund under subsection (g).

(3) AVAILABILITY.—Amounts in the Fund shall be available directly to the unit commanders of members of the Armed Forces for the making of reimbursements for protective, safety, and health equipment under subsection (a).

(4) DOCUMENTATION.—Each person seeking reimbursement under subsection (a) for protective, safety, or health equipment purchased by or on behalf of a member of the Armed Forces shall submit to the unit commander of such member such documentation as is necessary to establish each of the following:

(A) The nature of such equipment, including whether or not such equipment qualifies as protective, safety, or health equipment under subsection (c).

(B) The cost of such equipment.

(c) COVERED PROTECTIVE, SAFETY, AND HEALTH EQUIPMENT.—Protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multi-purpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army, or equivalent programs of the other Armed Forces, such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, a gun scope, and a soldier intercommunication device.

(d) LIMITATION REGARDING AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided under subsection (a) per item of protective, safety, and health equipment purchased by or on behalf of any given member of the Armed Forces may not exceed the lesser of—

(1) the cost of such equipment (including shipping cost); or

(2) $1,100.

(e) LIMITATION ON DATE OF PURCHASE.—Reimbursement may be made under subsection (a) only for protective, safety, and health equipment purchased before October 1, 2006.

(f) OWNERSHIP OF EQUIPMENT.—The Secretary shall identify the circumstances, if any, under which the United States shall assume title or ownership of protective, safety, or health equipment for which reimbursement is provided under subsection (a).

(g) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts for reimbursements under subsection (a) shall be derived from any amounts authorized to be appropriated by this Act.

(2) EXCEPTION.—Amounts authorized to be appropriated by this Act and available for the procurement of equipment for members of the Armed Forces deployed, or to be deployed, to Iraq or Afghanistan may not be utilized for reimbursements under subsection (a).

(h) REPEAL OF SUPERSEDED AUTHORITY.—Section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118. Stat. 1857) is repealed.

AMENDMENT NO. 2468

(Purpose: To require a report on predatory lending directed at members of the Armed Forces and their dependents)

At the end of subtitle H of title V, add the following:

SEC. 596. REPORT ON PREDATORY LENDING PRACTICES DIRECTED AT MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Predatory lending practices harm members of the Armed Forces and are an increasing problem for the Armed Forces.

(2) Predatory lending practices not only hurt the financial security of the members of the Armed Forces but, according to the Under Secretary of Defense for Personnel and Readiness, also threaten the operational readiness of the Armed Forces.

(3) The General Accountability Office found in an April 2005 report that the Department of Defense was not fully utilizing tools available to the Department to curb the predatory lending practices directed at members of the Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense should work with financial service regulators to protect the members of the Armed Forces from predatory lending practices; and

(2) the Senate should consider and adopt legislation—

(A) to strengthen disclosure, education, and other protections for members of the Armed Forces regarding predatory lending practices; and

(B) to ensure greater cooperation between financial services regulators and the Department of Defense on the protection of members of the Armed Forces from predatory lending practices.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of the Treasury, the Chairman of the Federal Reserve, the Chairman of the Federal Deposit Insurance Corporation, and representatives of military charity organizations and consumer organizations, submit to the appropriate committees of Congress a report on predatory lending practices directed at members of the Armed Forces and their families.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of the prevalence of predatory lending practices directed at members of the Armed Forces and their families;

(B) an assessment of the effects of predatory lending practices on members of the Armed Forces and their families;

(C) a description of the strategy of the Department of Defense, and of any current or planned programs of the Department, to educate members of the Armed Forces and their families regarding predatory lending practices;

(D) a description of the strategy of the Department of Defense, and of any current or planned programs of the Department, to reduce or eliminate—

(i) the prevalence of predatory lending practices directed at members of the Armed Forces and their families; and

(ii) the negative effect of such practices on members of the Armed Forces and their families; and

(E) recommendations for additional legislative and administrative action to reduce or eliminate predatory lending practices directed at members of the Armed Forces and their families.

(3) DEFINITIONS.—In this subsection:

(A) The term ''appropriate committees of Congress'' means—

(i) the Committees on Armed Services and Banking, Housing, and Urban Affairs of the Senate; and

(ii) the Committees on Armed Services and Financial Services of the House of Representatives.

(B) The term ''predatory lending practice'' means an unfair or abusive loan or credit sale transition or collection practice.

AMENDMENT NO. 2469

(Purpose: To authorize $1,440,000 in planning and design funds for a replacement C-130 aircraft maintenance hangar at Air National Guard New Castle County Airport, and to provide an offset)

On page 337, between lines 4 and 5, insert the following:

SEC. 2602. CONSTRUCTION OF MAINTENANCE HANGAR, NEW CASTLE COUNTY AIRPORT AIR GUARD BASE, DELAWARE.

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(3)(A) for the Department of the Air Force for the Air National Guard of the United States is hereby increased by $1,440,000.

(b) USE OF FUNDS.—Of the amount authorized to be appropriated by section 2601(3)(A) for the Department of the Air Force for the Air National Guard of the United States, as increased by subsection (a), $1,440,000 is available for planning and design for a replacement C-130 aircraft maintenance hangar at Air National Guard New Castle County Airport, Delaware.

(c) OFFSET.—The amount authorized to be appropriated by section 2204(a) for military construction, land acquisition, and military family housing functions of the Department of the Navy and the amount of such funds authorized by paragraph (11) of such subsection for the construction of increment 3 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, are each hereby decreased by $1,440,000.

AMENDMENT NO. 2470

(Purpose: Expressing the sense of the Senate on notice to Congress of the recognition of members of the Armed Forces for extraordinary acts of heroism, bravery, and achievement)

At the end of subtitle F of title V, add the following:

SEC. ____. SENSE OF SENATE ON NOTICE TO CONGRESS OF RECOGNITION OF MEMBERS OF THE ARMED FORCES FOR EXTRAORDINARY ACTS OF BRAVERY, HEROISM, AND ACHIEVEMENT.

It is the sense of the Senate that the Secretary of Defense or the Secretary of the military department concerned should, upon awarding a medal to a member of the Armed Forces or otherwise commending or recognizing a member of the Armed Forces for an act of extraordinary heroism, bravery, achievement, or other distinction, notify the Committees on Armed Services of the Senate and the House of Representatives, the Senators from the State in which such member resides, and the Member of the House of Representatives from the district in which such member resides of such extraordinary award, commendation, or recognition.

AMENDMENT NO. 2471

(Purpose: To improve transitional assistance provided for members of the Armed Forces being discharged, released from active duty, or retired)

At the end of division A, add the following:

TITLE XV—TRANSITION SERVICES

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Veterans' Enhanced Transition Services Act of 2005''.

SEC. 1502. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) PRESEPARATION COUNSELING.—Section 1142 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) For members of the reserve components of the armed forces (including members of the National Guard on active duty under title 32) who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall provide preseparation counseling under this section on an individual basis to all such members before such members are separated.''; and

(2) in subsection (b)—

(A) in paragraph (4), by striking ''(4) Information concerning'' and inserting the following:

''(4) Provision of information on civilian occupations and related assistance programs, including information concerning—

''(A) certification and licensure requirements that are applicable to civilian occupations;

''(B) civilian occupations that correspond to military occupational specialties; and

''(C)''; and

(B) by adding at the end the following:

''(11) Information concerning the priority of service for veterans in the receipt of employment, training, and placement services provided under qualified job training programs of the Department of Labor.

''(12) Information concerning veterans small business ownership and entrepreneurship programs of the Small Business Administration and the National Veterans Business Development Corporation.

''(13) Information concerning employment and reemployment rights and obligations under chapter 43 of title 38.

''(14) Information concerning veterans preference in federal employment and federal procurement opportunities.

''(15) Contact information for housing counseling assistance.

''(16) A description, developed in consultation with the Secretary of Veterans Affairs, of health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1142. Members separating from active duty: preseparation counseling''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by striking the item relating to section 1142 and inserting the following:

''1142. Members separating from active duty: preseparation counseling.''.

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''paragraph (4)(A)'' in the second sentence and inserting ''paragraph (5)(A)''; and

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

''(e) TRAINING SUPPORT MATERIALS.—The Secretary concerned shall, on a continuing basis and in cooperation with the Secretary of Labor, update the content of all materials used by the Department of Labor that provide direct training support to personnel who provide transitional services counseling under this section.''.

SEC. 1503. FOLLOW UP ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AFTER PRESEPARATION PHYSICAL EXAMINATIONS.

Section 1145(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, ensure that appropriate actions are taken to assist a member of the armed forces who, as a result of a medical examination under paragraph (4), receives an indication for a referral for follow up treatment from the health care provider who performs the examination.

''(B) Assistance provided to a member under paragraph (1) shall include the following:

''(i) Information regarding, and any appropriate referral for, the care, treatment, and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide to such member under any other provision of law, including—

''(I) clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions; and

''(II) any other care, treatment, and services.

''(ii) Information on the private sector sources of treatment that are available to the member in the member's community.

''(iii) Assistance to enroll in the health care system of the Department of Veterans Affairs for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.''.

SEC. 1504. REPORT ON TRANSITION ASSISTANCE PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 2006, the Secretary of Defense shall, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, submit to Congress a report on the actions taken to ensure that the Transition Assistance Programs for members of the Armed Forces separating from the Armed Forces (including members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces) function effectively to provide such members with timely and comprehensive transition assistance when separating from the Armed Forces.

(b) FOCUS ON PARTICULAR MEMBERS.—The report required by subsection (a) shall include particular attention to the actions taken with respect to the Transition Assistance Programs to assist the following members of the Armed Forces:

(1) Members deployed to Operation Iraqi Freedom.

(2) Members deployed to Operation Enduring Freedom.

(3) Members deployed to or in support of other contingency operations.

(4) Members of the National Guard activated under the provisions of title 32, United States Code, in support of relief efforts for Hurricane Katrina and Hurricane Rita.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I thank my colleague from Michigan for working together with colleagues on both sides of the aisle. We achieved a substantial amount of work. Tomorrow we will return, and my rough calculation with regard to the amendments is of the 12 on the majority side, we have the Chambliss amendment, which might be subject to a second degree; we have the Ensign amendment, which is now the pending amendment; there is an amendment by Senator TALENT, Senator GRAHAM, Senator INHOFE that involves prayer at the service academies; Senator FRIST in recognition of our troops and others participating in the war against terrorism; and consent to Brownback which is an amendment regarding personal notification relating to the men and women of the Armed Forces in cases where he deems parental consent is appropriate. And the Senator from Virginia, Senator WARNER, has an amendment.

I have the list of the Senator from Michigan. Six of the 12 amendments have been acted upon by the Senate. To the extent the Senator can advise the Senate of the remaining amendments, it would be helpful.

Mr. LEVIN. Mr. President, I thank my good friend from Virginia. We have on our side disposed of six amendments. We are trying to boil down the balance of the amendments. We have to boil down to six. We have not yet done that. I don't want to identify which ones other than to say we know there will be a Dorgan amendment on the Truman Commission which we hope will come immediately after lunch tomorrow. There is still a surplus of amendments we have to work out.

Mr. WARNER. I bring to the attention of my good friend and colleague, we have provided the Senator with copies of the amendments by Senator CHAMBLISS, Senator ENSIGN, Senator TALENT. The amendment by Senator GRAHAM is still under work. Senator INHOFE, you have that amendment. Senator FRIST's amendment we have not as yet distributed. The Brownback amendment will be provided to you tonight. And we have not as yet provided you with the one of the Senator from Virginia.

Mr. LEVIN. To be more helpful, the Dorgan amendment has been filed.

There is a likelihood there will be a Durbin amendment on Guard and Reserve which also has been filed. I don't want to lock that in as one because we are still juggling. That has been filed. It is likely that will be one of the six.

Mr. WARNER. That would not be the proposed second degree to the Chambliss amendment? The Chambliss amendment is Guard and Reserve, too.

Mr. LEVIN. I don't think it is, but I am not certain.

Mr. WARNER. This is helpful to colleagues as they are doing their work tonight in support of what we are trying to achieve with final passage tomorrow.

AMENDMENT NO. 2423

Mr. DODD. Mr. President, I would like to briefly discuss an amendment that was offered to the Defense Authorization bill yesterday by the Senators from Colorado. I voted against this measure, and I did so with some reservation.

If approved by this body, this amendment would have provided retirement benefits to government contract workers, who, by no fault of their own, now find themselves denied of pension and lifetime medical benefits that they were expecting to receive. In fact, the tragedy of their situation is that because of these workers' efficiency, they are actually being denied pensions and health insurance—in this case, they are clearly victims of their own success.

As the Senators from Colorado explained, the Federal Government had given employees of Kaiser Hill Company until December 15, 2006 to complete their work decontaminating and demolishing the former nuclear weapons facility at Rocky Flats. However, because Kaiser Hill's workers finished their work a year ahead of schedule, they are being penalized under the terms of their contract.

Like countless other Federal contracts, the arrangement for Rocky Flats workers used a numerical formula for determining who would receive lifetime benefits after the work's completion—if the sum of an employee's age and years of employment at the nuclear weapons plant added up to 70, the worker would be fully eligible for these benefits. But with Kaiser Hill declaring the job complete 14 months before their deadline, over 70 workers who would have qualified for these benefits could not.

I commend the Senators from Colorado for offering their amendment. They have every right to be troubled by the way workers in their State have been affected by this contract. And I share their deep concern that rather than be rewarded for their good work, the workers of Rocky Flats are actually unable to obtain the benefits that they had expected. Under terms of such a contract there is absolutely no incentive for workers to perform as effectively as these fine Kaiser-Hill employees did. I cannot disagree with that notion at all.

Nonetheless, yesterday, I felt compelled to vote against the amendment—not because it was offered without the best of intentions. I believe that the workers of Kaiser-Hill deserve to be commended for their quick and thorough work. However, I am afraid that if we are to single out these workers' contract, Congress would be creating an unfair standard that would help one segment of the Nation's Federal contracting workforce while leaving the rest without any similar support.

If this amendment had been approved, I would be concerned about benefiting some to the exclusion of others who might be deserving of similar consideration. I believe that we ought to revisit the issues facing these workers in the context of other Federal contract employees who might be in a similar situation. I stand ready to work with my colleagues from Colorado as well as others from other States who share my concern about these workers, who have been penalized due to no fault of their own. I believe that the Senators from Colorado have identified a critically important problem with formulas being used to regulate benefit disbursements in Federal contracts. And I hope these issues will be revisited to ensure that we are rewarding good and efficient performance and providing American workers the benefits that they deserve.

VOTE EXPLANATION

Mr. HATCH. Mr. President, I was necessarily absent from the vote on amendment No. 2423, Senator ALLARD's amendment, during consideration of the Fiscal Year 2006 Defense Authorization bill. As my constituents know, with my wife Elaine, I was hosting the 21st Annual Utah Women's Conference. Mr. President, this is an important event, in which the women of the State of Utah can directly inform our State's leaders about the issues that affect them and their families.

Had I been present to vote on Senator ALLARD's amendment, I would have voted against the proposal.

AMENDMENT NO. 1514

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment to the FY06 National Defense Authorization Act that authorizes the Navy to convey approximately 230 acres of open space land along the eastern boundary of Marine Corps Air Station Miramar to the County of San Diego in order to provide access to the historic Stowe Trail.

The Stowe Trail at one time functioned as the primary road leading to the historic town of Stowe, and now links the Goodan Ranch and Sycamore Canyon Preserves in the north with the Mission Trails Regional Park and Santee Lakes Regional Recreation Area further south.

According to county records, up until the 1930s when access to this portion became restricted for military use, the Stowe Trail had served for some 80 years as the principle thoroughfare between the towns of Santee and Poway.

The 230 acres of land that would be conveyed by the Navy under this provision include diverse plant and animal life and environmentally-sensitive habitats and would provide a natural wildlife corridor between the two preserves, as well as with the Santee Lakes Recreation Area.

Under the control of the County of San Diego, this land will become part of an extensive open space trail system that will not only increase recreational opportunities in the region, but will also provide buffer zone that will mitigate against potential encroachment that could impact the essential military missions at Marine Corps Air Station Miramar.

It is important to point out that this proposed land conveyance is the fruition of a process set in motion jointly by the San Diego County Board of Supervisors and Marine Corps Air Station Miramar in 2002.

Both sides have worked together closely since that time to ensure that the result will be a win-win situation for both the County and the Marines.

For example, as part of the land conveyance process, the County of San Diego has fully committed to compensate the Navy by paying the full fair market value for this property.

AMENDMENT NO. 2424

Mr. NELSON of Florida. Mr. President, for the last 4 years I have been talking about the unfair and painful offset of the Defense Department's Survivors Benefits Plan against Veteran's Affairs Dependency and Indemnity Compensation, or DIC.

This offset mistreats the survivors of our service members who die on active duty now and our 100 percent disabled military retirees who purchased this benefit at the end of their careers. It is wrong, we know it, and we have got to fix it.

Taking care of widows and orphans is a cost of war.

I have reminded the Senate of the Good Book's words, that in God's eyes the true measure of our faith is how we look after orphans and widows in their distress. And they are in distress. We are in a violent struggle around the world with brutal and vicious enemies. Sadly, American troops are lost every day.

We must never forget that the loved ones left behind by our courageous men and women in uniform bear the greatest pain. Their lives are forever altered; their futures left unclear. They suffer the enduring cost of the ultimate sacrifice, and the Nation that asked for that sacrifice must honor it.

The Department of Defense has provided the Senate several objections to our amendment. For the benefit of my colleagues, I would like to answer each objection.

First, just because the Pentagon objects to the amendment does not mean we should not act. The Pentagon's objections have not stopped Congress from correcting military benefit inequities before. They should not stop us now.

The Pentagon objected to TRICARE For Life. And the Congress supported it anyway.

The Pentagon objected to concurrent receipt for disabled military retirees. And the Congress supported it anyway.

Last year, the Pentagon objected to eliminating the age-62 SBP benefit reduction. And Congress fixed that inequity anyway.

I remind my colleagues that it is Congress' responsibility to ensure our widows and retirees are treated fairly. We are the ones who must recognize that the Nation has an obligation to those who give their lives for our country.

The Defense Department argues that a VA Disability Benefits Commission is studying this, so we should not take any action. There is no indication whatsoever that the commission is actively looking at either of the issues addressed in my amendment. We understand that they are about to ask for a 1 year extension. The fact is that nothing will come out of that commission until at least fiscal year 2009. That is too late to help the World War II and Korean era retirees who should already be ''paid up'' in their SBP. We don't need to study these issues for several more years. The inequities are clear.

The Defense Department argues that SBP and DIC are fully funded and that the offset is consistent with other Government programs. They are not fully funded from the beneficiaries' perspective, because one offsets the other. The fact that other Government programs have offsets is irrelevant when you consider the sacrifices of military members and widows for the rest of the country.

This same argument was used to argue against concurrent receipt of retired pay and disability compensation, but the Congress rejected it 2 years ago. When military duty causes the disability or death of a servicemember, all comparisons with other Government programs seem hollow.

The Defense Department argues that they refund the premiums for the SBP that is not paid to the widows of our 100 percent disable retirees. I know a thing or two about insurance. When someone buys an insurance policy and then dies, no insurance company in America could get away with saying, ''sorry, we're not going to pay; here's a refund of your premiums.''

Not only that, but the Government does not even pay interest on the refunded premiums. However, let a widow get an overpayment from the Government, and the Government insists on collecting interest from her. These widows are rightly saying ''keep your premium refund; give me the benefit we purchased.''

The Department of Defense argues that the law lets widows assign the SBP benefit to their children and, in fact, draw both their VA and SBP benefits. This is not true for the vast majority. It applies only to widows who have children and only to those whose husbands were killed since November 24, 2003. It does absolutely nothing for more than 90 percent of widows affected by this inequity.

Even for those widows with kids, who do have the option, it poses a terrible choice. If they assign the benefit to their children, they lose it completely after their children reach age 18, or 22 if they go to college. One Army Sergeant Major's widow in this situation had two children in college. She made the choice to assign the SBP to them to help them stay in school. But the price of that decision is she will lose her annuity as soon as they graduate, and will have to live on $993 a month. We shouldn't put widows in a position of sacrificing their long-term financial health for the immediate needs of their families.

As usual, the Defense Department says fixing this inequity would cost money. We all acknowledge that this will cost money. Everything we do costs money. But when something is the right thing to do, then we do it. Sometimes we compromise to pay the cost over time. But we find a way to do it. And that is what we should do now.

The Defense Department argues that we shouldn't fix the SBP/DIC offset or the ''Greatest Generation'' SBP tax because we raised the age-62 SBP benefit last year. Not true. For the vast majority of the people affected by my amendment, last year's SBP fix did nothing. Many widows affected by the SBP/DIC offset still have their entire SBP annuity eliminated by the DIC offset. They get zero benefit from last year's change to SBP.

One big reason for that is most servicemembers being killed on active duty today are junior—not 62 years old—and they don't have a very large SBP benefit. Their benefit would be much less than the $993 a month in VA DIC their survivors will receive. But that doesn't mean their loved ones aren't entitled to that small benefit.

Also, last year's law did nothing for the World War II and Korean-era retirees who already have paid almost 20 percent more SBP premiums than later retirees, and who will end up paying one-third more if we don't change the law this year. These benefit changes affect different populations. Just because we brought fairness to one part of the retiree population last year doesn't mean that the others don't deserve fairness too.

The Department of Defense argues that this change isn't needed because we raised the death gratuity to $100,000 and raised Servicemembers' Group Life Insurance, SGLI, to $400,000 earlier this year. It is correct that Congress made those changes, but the idea that fixing the SBP–DIC offset is now unnecessary couldn't be further from the truth.

I am proud to have supported those changes to the death gratuity and SGLI, but they did nothing to help the vast majority of DIC widows and they certainly didn't help our ''Greatest Generation'' retirees. They only help the survivors of those killed in combat since 2001. Thousands of servicemembers gave their lives and their health for their country in hot and cold wars before that date. Their survivors have had no relief and most are living on $993 a month. That is just wrong.

We have gone around and around on this issue over the years. We are in a dangerous and long term war with an evil and intractable enemy. We owe those who go in harm's way the assurance that the loved ones they leave behind will get all the care a grateful Nation can provide. It is the right thing to do, and now is the time to do it.

Mrs. DOLE. Mr. President, these are certainly challenging times for our Nation—particularly as we confront an ever-emboldened terrorist network that seeks to threaten civilized societies and destroy our way of life. The threats are very real and the stakes are very high. Thank God we have men and women who are answering the call of duty by proudly wearing the uniform of the United States and defending our homeland here and abroad. It is imperative that we continually show them and their families just how much we appreciate and honor their service and their sacrifice.

This Defense authorization bill certainly provides for much needed programs that will increase readiness and quality of life for our military personnel, and I applaud our distinguished Armed Services chairman, JOHN WARNER, and Majority Leader FRIST for moving this bill forward. I represent a strong military constituency in North Carolina, and I am delighted that this bill includes several of my proposals addressing critical areas of need. I will briefly highlight a few of them.

One of my amendments makes mental health counseling more accessible for service members and their families. It allows certified and licensed mental health counselors to directly bill TRICARE without a physician's referral, in Under Served Areas—those areas where there is an insufficient availability of mental health care providers.

It is estimated that over half of U.S. counties have no practicing psychiatrists, psychologists, or social workers. Mental health counselors can certainly help fill the void. The Department of Health and Human Services already has in place a loan repayment program to encourage mental health counselors to work in underserved areas. My amendment removes barriers for those counselors to serve our military members—especially the reservists and guardsmen who often live in rural areas.

There is no question that when our military men and women are deployed and separated from their families, the emotional stress and trauma can be unimaginable. It is absolutely imperative that they have access to mental health services not only to mitigate potential long term affects like depression, violence or divorce—but also to ease the

reintegration into their family, and society, following long deployments. Caring for our servicemembers' mental as well as physical health is critical in retaining quality forces for our nation's defense.

In last year's Defense authorization bill, my effort to have marriage and family therapists added to the list of mental health care providers available under TRICARE was successful. But with the ongoing war on terror, the reality is that more needs to be done.

Another area we must all be concerned about is the blatant targeting of servicemembers by predatory lenders. It is an egregious practice that must be stopped. Not only can these practices lead to a cycle of financial and professional suffering for individual servicemembers and their families, but they can also have serious ramifications for our military's operational readiness. Military conduct codes stress financial solvency, and a member with bad credit and mounting debt can face potentially career-ending disciplinary measures.

Many young troops—like many young people across the country—do not have a cushion of savings to use in an emergency, and most are not educated in financial management. In this time of more frequent and extended deployments, servicemembers are faced with extra expenses due to preparing for deployments and family emergencies that can force them or their spouses to look to predatory lenders for short-term relief.

My amendment on predatory lending practices has two components. First, it places the Senate on record acknowledging predatory lending practices. Second, it requires the Defense Department, in consultation with Treasury, the Federal Reserve, the FDIC, and representatives of military charity and consumer organizations, to report to Congress within 90 days on several matters: their current and planned programs to assess the prevalence of predatory lending and to educate servicemembers and their families; and second, their recommendations for specific legislative and administrative actions to prevent or eliminate predatory lending.

The Army has identified personal financial issues as one of the most difficult problems facing military families. I couldn't agree more. This Defense authorization bill will get the ball rolling on some much-needed action, and I am very pleased to have the support of groups such as the Consumer Federation of America, the Center for Responsible Lending, the Military Coalition, and the Fleet Reserve Association.

Finally, another of my amendments directs that acquisition personnel receive training on the requirements and application of the Berry amendment. Implemented in 1941, the Berry amendment requires the Defense Department to give preference in procurement to domestically produced, manufactured, or home grown products. In my view, this is essential to supporting the businesses that supply our troops with the equipment they need to carry out their duties.

I am pleased that each of these amendments has been included in this authorization bill. I believe they reaffirm the commitment of this Congress to our military personnel, to their families, and to our entire Nation.

MORNING BUSINESS

Mr. WARNER. I ask unanimous consent that there be a period of morning business not to exceed 10 minutes.

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

RECONCILIATION TAX CUT BILL

Mr. VOINOVICH. Mr. President, I rise to comment on the reconciliation tax relief bill that will most likely come before the Senate next week. I felt it necessary to come and speak on this topic because I am thinking of not only our generation but of the generations of our children and grandchildren and the legacy we leave them.

How do the decisions we make in the Senate today affect their lives after we have long left this body? That is a question I will be asking should the Senate, as I expect it will, begin debate on reconciliation for tax cuts.

Last week, Alan Greenspan testified before the Joint Economic Committee and told Congress:

> We should not be cutting taxes by borrowing. We do not have the capability of having both productive tax cuts and large expenditure increases, and presume that the deficit doesn't matter.

I do not know how anyone can say with a straight face that when we voted to cut spending last week to help achieve deficit reductions we can now then turn around 2 weeks later to provide tax cuts that exceed the reductions that we made in spending. It just does not make any sense, and I think it does not make any sense to the American people.

Well, I for one am taking Chairman Greenspan's warning seriously. Last week, I voted to cut spending. And should tax cuts come to the floor next week, I will vote against them. I believe it is the only responsible course of action.

There are three reasons we should oppose tax cuts at this time: No. 1, we cannot afford these tax cuts; No. 2, we do not need these tax cuts; and, No. 3, we should be working on tax reform rather than tax cuts.

In case anyone has forgotten, the deficit for fiscal year 2005 was $317 billion. That was the third largest deficit in our Nation's history. The first and second largest deficits occurred in 2004 and in 2003.

On October 20, the gross Federal debt climbed past $8 trillion. Looking at this chart, you can see what is happening. This is the combined debt, the public and the Government debt. It climbed to over $8 trillion. And according to the Congressional Budget Office, in fiscal year 2005, interest on the public debt grew more rapidly than any other major spending category, rising 14 percent above the fiscal year 2004 level.

So we can see that this debt is escalating rapidly, and it is something about which we should all be very concerned.

Let me put this in perspective. Just the interest payments on the public debt are more than $1,600 for each tax-paying American—more than $1,600 for each tax-paying American. If we could wave a magic wand and stop adding to the deficit today—which we won't—the Federal debt would still be about $28,000 for every person in the United States, and close to $1 million each if it is left to those who are under 20 years of age.

And even if we were to start running surpluses as large as last year's deficit, it would still take us 14 years to pay off just the debt held by the public.

It is time to recognize a simple fact of life. Contrary to what some of my colleagues seem to believe, tax cuts do not pay for themselves.

We have heard about the impact of the previous tax cuts, how in the past few months revenues have exceeded expectations, and how economic growth would pay for all the tax cuts Congress enacted in 2003. But as this chart shows, exceeding expectations does not mean there was no revenue lost as a result of the tax cuts.

As shown on this chart, the red bar indicates what our revenues would have been had we not had the tax cuts. The blue bar shows what the projected revenue was as a result of the tax cuts. The green bar shows what we actually received as a result of the tax cuts. Now, we can see there is a difference between if we had not had the tax cuts and having the tax cuts.

Now, let's go to 2004. Shown in red is what we would have expected in revenues in 2004 had we not had the tax cuts. We had the tax cuts, and shown in blue is what was expected as a result of them. The good news is, we did receive more money than we anticipated from the tax cuts, as shown in the green.

Now, let's go to 2005. Again, the red bar shows what the projection was of what we would have had without the tax cuts. The blue bar shows what the projection was of the revenues we would have because we had the tax cuts. And the green bar shows actually what the revenues were that came in.

The fact is, tax cuts are never free. All during this time, we were adding to the national debt.

Now, I voted for tax cuts in 2001, 2002, and 2003 because the country needed stimulative medicine, and it worked. But like any other medicine, an overdose of tax cuts can, and in my opinion will, do more harm than the original disease.

In 2003, I said that $350 billion in tax cuts would be enough to get the economy moving, and now I am saying that

any more would be an overdose. It is time to put the tax cut medicine back on the shelf, particularly in light of the war in Iraq, our spending on homeland security, and Hurricanes Katrina and Rita.

Just today, the Senate increased mandatory spending over the next 10 years by $9.5 billion.

The second reason to put the tax cut medicine back on the shelf is that most of the provisions included in the reconciliation package do not have to be extended now. In fact, most of the tax cut provisions included in the reconciliation package, including the reduced rates on dividends and capital gains, do not expire until 2008—over 2 years from now.

So here are the provisions of the economic growth plan that we worked on during the last several years. You can see that one of the provisions of the proposal for next week is ''reduced rate on dividends and capital gains.'' This is not going to expire until 2008. Another one is ''section 179 expensing,'' which many of us supported in the bill we passed last year, the JOBS bill. That is not going to expire until 2007.

So the point I am making is, there really is not any need for us to pass these tax cuts next week because most of them are not going to expire until years in the future.

As my colleagues can see, most of the core provisions of the President's tax reform plan, as I mentioned, do not expire until 2010. A handful expire in 2007 or 2008, and only one expires next year.

When Alan Greenspan testified before the Joint Economic Committee last week—I think this is really telling testimony on the part of Chairman Greenspan—a member of the committee asked if he supported extending the 15-percent tax rate for capital gains and dividends. Chairman Greenspan replied that he could only support extending these tax cuts if they were paid for.

According to Chairman Greenspan, large budget deficits will drive up interest rates over time, raising the Government's debt service costs.

I think, as we watch what is happening to interest rates, they are starting to creep up. What we forget is, as they creep up, interest costs are going to take a larger and larger percent of our Federal budget.

I quote Alan Greenspan again:

Unless the situation is reversed, at some point these budget trends will cause serious economic disruptions.

I will repeat it again. Alan Greenspan:

Unless the situation is reversed, at some point these budget trends will cause serious economic disruptions.

The fact is, if these tax cuts are so important, we should pay for them, which is why I supported the pay-go amendment to the budget resolution in March, and supported it again last week.

My third reason for opposing piecemeal tax cuts at this time is that the President's Advisory Panel on Tax Reform just released its final report. All of us have heard from families and businesses in our respective States lamenting the complexity and frustration with the current Tax Code.

Well, thanks to our former colleagues, Connie Mack and John Breaux, it seems to me we have a chance to finally do something about it.

Why extend tax deductions piecemeal when we should be considering fundamental tax reform? Our tax structure should be simple, fair, and honest. Our current Tax Code achieves none of these objectives.

I used to prepare my own tax returns and made out tax returns for my clients. I would not touch my tax return today with a 10-foot pole because of the complexities.

I am with the 55 percent of other Americans who have to hire professional help to make out our tax returns. Last year, it is estimated that Americans spent more than 3.5 billion hours doing their taxes, the equivalent of hiring almost 2 million new IRS employees, more than 20 times the agency's current workforce. If the money spent every year on tax preparation and compliance was collected, about $140 billion each year or over $1,000 per family, it could fund a substantial part of the Federal Government, including the Department of Homeland Security, the Department of State, NASA, the Department of Housing and Urban Development, the Environmental Protection Agency, the Department of Transportation, the U.S. Congress, our Federal courts, and all the Federal Government's foreign aid.

Individuals, businesses, and nonprofits must pay these compliance costs, but the Federal Government cannot use them for any useful purpose. Individuals and businesses lose money that they could otherwise save, invest, and spend on their children's education, buy a home, or simply enjoy an extra evening out with the family. But the Federal Government gets nothing. That is the equivalent of stacking money in a pile and lighting a match to it.

We all recognize the need for a simple, fair, and honest Tax Code. This is a win-win goal for everyone. Simply cutting tax compliance costs in half from 20 percent to 10 percent would have the same impact as a major tax cut. Just cutting the compliance costs would be the equivalent of a major tax cut for most Americans, but it would be a tax cut that does not reduce Federal revenues but would guarantee that people are paying their fair share and bring more money into the Federal Treasury.

We all know that fundamental tax reform is critical and that President Bush will be sending us his recommendations in February. I simply cannot understand why some of my colleagues want to make so many provisions of the current Tax Code permanent or add new tax cuts, when next year we very well may be eliminating the same provisions as part of fundamental tax reform. Why do it now when we are expecting the President to come back with a fair and simple, honest tax reform package? Again, this is not the time for piecemeal tinkering. No homeowner would remodel their kitchen and bathroom the year before tearing down the house to build a newer and better one. That is, in effect, what we would be doing next week if we vote for these cuts.

In closing, I reiterate the three reasons we should oppose tax cuts at this time. No. 1, we cannot afford them because of our soaring deficit and national debt. Putting our spending on the credit card of our kids is unconscionable, particularly because they will have to work harder and smarter to compete in the global marketplace to maintain our current standard of living and quality of life.

Two, we do not need these tax cuts at this time. If this body believes we must have them, we should follow Alan Greenspan's advice and pay for them. If these tax cuts are so important to the economy, then let's pay for them.

And third, from a public policy point of view, these tax cuts are premature because in the very near future, we may well change them as part of fundamental tax reform and simplification.

I thank my colleagues for their attention and urge them to vote against the tax cuts proposed next week. I reaffirm a Republican principle we have held dear over the years and one that I adhered to as mayor of the city of Cleveland and Governor of Ohio; that is, balance budgets and reduce deficits.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

50TH ANNIVERSARY OF THE ALASKA CONSTITUTIONAL CONVENTION

Mr. STEVENS. Mr. President, today marks the 50th anniversary of the Alaska Constitutional Convention. I speak to pay tribute to those who contributed to this milestone in our State's history.

When the Constitutional Convention began on November 8, 1955, Alaska was a territory foundering under the weight of discriminatory Federal legislation.

Alaskans were denied control and management of our fisheries. We were denied our share of Federal highway funds. We were denied the ability to expand our economy because of unfair land laws. We were denied the right to vote for our President and Vice President. And we were denied full representation in Congress.

Our economy had been damaged by article 27 of the Jones Act, which Congress passed in 1920. This act specifically excluded Alaska from the United States' ship and rail system. It required all goods and services be diverted through Seattle, which drove up prices and pushed many Alaskans out of business.

As former territorial governor Ernest Gruening told the convention delegates in 1955, Alaska was ''no less a colony than were those thirteen colonies along the Atlantic seaboard in 1775.'' Governor Gruening then quoted the United States Declaration of Independence and told the delegates it was time for Alaska to ''let facts be submitted to a candid world.''

Fifty-five men and women were chosen to serve as convention delegates. The number 55 was selected to reflect the Philadelphia Convention of 1787, which produced the Constitution of the United States.

On November 8, 1955, the delegates met at the University of Alaska in Fairbanks. They worked for 75 days, and their efforts produced a precedent-setting constitution, which formed the basis for Congressional approval of statehood.

Thanks to the dedication of George Lehleitner of Louisiana and C.W. Bill Snedden, publisher of the Fairbanks Daily News-Miner, our constitution included Alaska's version of the ''Tennessee plan,'' which had been used successfully by Tennessee, Michigan, California, Oregon, Kansas, and Iowa to gain admission to this Union. Under this plan, our territory elected a Congressional delegation without waiting for Congressional approval.

When they began their deliberations 50 years ago today, no one could have predicted how successful our convention delegates would be. They considered the needs of Alaskans who lived in the territory and the needs of those who would later live in our State. Their foresight gave us the document that has stood the test of time and been hailed as a model of state constitutions. And their efforts set in motion the series of events that led to statehood.

Before the Constitutional Convention, there were many who questioned whether Alaskans could be entrusted with statehood. They thought we were too far-removed from the lower 48, too different. Those who participated in the drafting of our constitution changed this. Our constitution affirmed our commitment to the democratic ideals upon which this Union was founded.

The 55 convention delegates were devoted public servants who became Alaska's founding mothers and fathers. Today, five of those delegates are meeting in Anchorage. They are:

George Sundborg, Sr., a newspaperman who served as chair of the convention's committee on style and drafting. George later served as Senator Ernest Gruening's top aide in Washington, DC.

Dr. Victor Fischer, who served as chair of the convention's committee on the Executive Branch. Vic was later elected to the territorial House of Representatives and served the State he helped create in the Alaska State Senate.

John ''Jack'' Coghill, who was chair of the convention's committee on administration. Jack was a member of the territorial House of Representatives and later served as mayor of Nenana, State Senator, and Alaska's Lieutenant Governor.

Seaborn Buckalew, a member of the territorial House of Representatives who later served as a State Senator, Assistant Adjutant General of the Alaska National Guard, and U.S. District Attorney and Superior Court Judge for the 3rd Judicial District.

Burke Riley, who served as chair of the convention's committee on rules. Burke was a special assistant to Governor Gruening and the Secretary of Alaska from 1952 through 1953, a position similar to today's lieutenant governor. He also served in the territorial House of Representatives.

Today, these delegates are joined by:

Thomas Stewart, who served in the territorial legislature and chaired its Joint Committee on Statehood and Federal Legislation, which drafted the Convention Enabling Act. Tom served as secretary of the convention and later became an Alaska Superior Court Judge. He played a key role in establishing our State's court system.

Katherine Hurley, who was the longtime executive secretary to territorial Governor Ernest Gruening and secretary of the territorial senate. Ms. Hurley served as chief clerk of the convention.

Doris Ann Bartlett, the daughter of my predecessor, Senator Bob Bartlett. Doris served as librarian of the convention.

Also in Anchorage today are three consultants who advised the convention delegates:

Dr. George Rogers, who served as temporary secretary and economics consultant,

Dr. Vincent Ostrum of the University of Indiana, and

Dr. Earnest Bartley of the University of Florida.

On behalf of all Alaskans, Senator LISA MURKOWSKI and I have come to the floor today to thank these men and women whose hard work laid the foundation for the 49th State.

In his speech closing the proceedings, Bill Egan, the president of the Constitutional Convention who later served three terms as Alaska's Governor, said:

> I say to each and every Alaskan: If it had been your good fortune, as it has been mine, to have witnessed the abilities, the diligence, the devotion to duty, of these delegates . . . you would say of their labors, ''well done!''

Bill Egan's words endure today. Well done, thank you, and God bless each of you!

I yield the remainder of my time to Senator MURKOWSKI.

The PRESIDING OFFICER. The junior Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I thank my colleague and I, too, thank the Senator from Virginia for allowing us to speak today on the 50th anniversary of the convening of the Alaska Constitutional Convention.

Although it has not quite been 50 years since Alaska's statehood, it was half a century ago today that 55 delegates from around the State met to debate what would become the Alaska Constitution.

Prior to the Constitutional Convention, the Convention's secretary, Thomas Stewart, traveled around the country for 6 months looking at other States' constitutions and how their provisions may work in Alaska. Later, 55 delegates were elected from every region in Alaska, and on November 8, 1955, the delegates met in Fairbanks at the University of Alaska. As the country was shrouded in the Cold War, Alaska's Territorial Governor Ernest Gruening stood to address the Constitutional Convention, and said:

> Alaska has a great, great destiny. We are here situated by geography and by history in the farthest north and our farthest west in a unique position to achieve that destiny. We were formerly part of a country which today, under changed government, represents the antithesis of everything that we believe in and of everything we hold dear. We have a geographic juxtaposition to that area. We can see it from our mainland with the naked eye. What a challenge then to create in these far northern latitudes a shining and eternal example of what we want to call the American way of life, to make Alaska not merely a bulwark defense for the whole hemisphere, for the free world, but a spiritual citadel of the American idea. It can only be done by the application to Alaska of basic American principles, the most basic of which is government by consent of the governed. So you have here a thrilling opportunity, and I know you will live up to it.

Those were the words of Governor Gruening.

Alaska did. The Alaska Constitution was the result of the hard work of the pioneers of the last frontier. Five of those delegates to the constitutional convention are still alive today, as Senator STEVENS mentioned. I take a brief moment to recognize the accomplishments of these outstanding Alaskans.

First, Victor Fisher was a member of the Alaska Territorial House of Representatives and the Alaska State Senate. Mr. Fisher was born in Germany, with an American father and Russian mother. Mr. Fisher has also worked at the University of Alaska, primarily as the director of the Institute of Social and Economic Research.

George Sundborg, Sr., began his life as a newspaper journalist, an editor, a publisher, and owner. After the constitutional convention, Mr. Sundborg continued his service to Alaska as a staff member to the territorial Governor.

John B. ''Jack'' Coghill was a representative in the Alaska Territorial House of Representatives. After the convention, Mr. Coghill continued to

serve the State as president of the Alaska School Board Association and then as our State's Lieutenant Governor.

Mr. Burke Riley served as the Territorial Secretary of Alaska and served two terms in the Alaska Territorial Legislature. As a delegate to the Alaska constitutional convention, Mr. Riley served as the Rules Committee chairman. Mr. Riley also served as a chief of staff to Governor Egan and assisted in setting up the government of the State of Alaska during Governor Egan's extended illness.

And Seaborn Buckalew served in the Territorial House. After the convention, Mr. Buckalew was appointed to the superior court where he served many years. He was also an Active National Guard member.

The result of the hard work of these delegates was a constitution that the National Municipal League said was ''one of the best if not the best State constitution ever written.'' The Alaska constitutional convention would not have been a success without the assistance of staff and consultants. I mentioned the contribution of Thomas Stewart. There was also that from Katherine Hurley, Dr. George Rogers, and Doris Ann Bartlett. I also thank the two surviving consultants, Dr. Vincent Ostrum and Dr. Earnest Bartley, for their service to Alaska.

I was not yet born at the time that Alaska's Constitution was created, but that document continues to serve Alaska's leaders as a roadmap to our State's future. Alaska's constitutional convention didn't just set the wheels in motion toward statehood, it has guided my generation and my children's generation and will be a guide to future generations of Alaskans forward.

As Governor Gruening put it, ''a shining and eternal example of what we want to call the American way of life.''

HONORING OUR ARMED FORCES

DEATH OF ARMY SPECIALIST DARREN HOWE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Darren Howe of Beatrice, NE, a specialist in the U.S. Army. Specialist Howe died of wounds suffered after his Bradley fighting vehicle was struck by a roadside bomb on October 17, near Samarra, Iraq.

Though severely burned, Specialist Howe regained control of the Bradley, and helped evacuate soldiers in the rear of the vehicle. His efforts helped save the lives of his fellow soldiers. He was 21 years old.

Specialist Howe grew up in Beatrice, NE, and graduated from Beatrice high school in 2003. He joined the Army Reserve in High School, and upon graduation enlisted in the Army full time. Specialist Howe was a member of Company A, 1st Battalion, 15th Infantry Regiment, 3rd Infantry Division, Fort Benning, GA. Specialist Howe will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like Specialist Darren Howe are currently serving in Iraq.

Specialist Howe is survived by his wife Nakia and their two children, Shaye-Maleigh, 3, and Gary-Dean, 1. He is also survived by his mother and stepfather, JoDee and Greg Klaus of Beatrice; father and stepmother, Steve and Beau Howe of Emporia, KS, brother Brandon Howe and step-brother Alex Klaus. Our thoughts and prayers are with them at this difficult time. America is proud of Specialist Howe's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring Specialist Darren Howe.

TRIBUTE TO PRIVATE FIRST CLASS TYLER MACKENZIE

Mr. ALLARD. Mr. President, today I honor the life of PFC Tyler Ryan MacKenzie who was assigned to the 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division. His service to the U.S. Army led Private MacKenzie of Evans, CO, to Fort Campbell, KY, and eventually Iraq. Last Wednesday his life, along with three of his fellow soldiers, came to an end when his vehicle was struck by a roadside bomb.

Today we have many remarkable men and women serving in our military with a strong sense of dedication to the United States. Tyler himself came from a line of military servicemen in his family and he too felt an obligation to serve in the Armed Forces. Private MacKenzie's family is proud of his service to our country.

The democratic milestones reached in Iraq in the last 2 years would not have been possible without dedication of our brave men and women in uniform and support provided by their loved ones. At this difficult time my heart goes out to Tyler's family and all those who take part in the noble cause of protecting freedoms that we all enjoy. I am thankful for Tyler MacKenzie and those that preceded him in making the ultimate sacrifice. Their lives should be honored by firmly resisting the enemy and completing the mission.

IN HONOR OF ARMY SPECIALIST DARREN HOWE

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army SPC Darren Howe of Beatrice, NE.

Specialist Howe, 21, began his service in the Army Reserve. He graduated in 2003 from Beatrice High School and decided to join the Army full-time. Specialist Howe was assigned to A Company, 1st Battalion, 15th Infantry Regiment, 3rd Infantry Division, Fort Benning, GA.

On October 17, 2005, SPC Darren Howe was mortally wounded when an improvised explosive detonated close to the Bradley fighting vehicle he was driving near Samarra, Iraq. He was treated in Germany before being taken to Brooke Army Medical Center in Texas, where he died on November 3, 2005.

Specialist Howe is survived by his wife, Nakia, who lives in Plymouth, NE. Darren and Nakia are the parents of a 3-year-old daughter, Shaye-Maleigh, and a 1-year-old son, Gary-Dean. I would like to offer my sincere condolences and prayers to the family and friends of Specialist Howe. His noble service to the United States of America is to be respected and remembered by all. Every American and all Nebraskans should be proud of the service of brave military personnel such as SPC Darren Howe.

IN HONOR OF ARMY CAPTAIN JOEL CAHILL

Mr. President, I rise today to honor Army CPT Joel Cahill of Papillion, NE.

CPT Joel Cahill, 33, was a selfless and honorable man whose commitment and service to his country earned him the Soldier's Medal, which is awarded for selfless action in noncombat situations. He graduated from Papillion-La Vista High School before graduating magna cum laude in 1999 from the University of Nebraska at Omaha. He was serving his fourth tour of combat duty and in the 1st Battalion, 15th Infantry from Fort Benning, GA.

On November 6, 2005, Captain Cahill was patrolling an area in Anbar Province in western Iraq when a roadside bomb detonated, mortally wounding him.

Captain Cahill is survived by his wife, Mary; his parents, Larry and Barbara Cahill; and numerous other family members, friends and fellow soldiers. Joel and Mary are the parents of two children, Faith, 4, and Brenna, 3. I would like to offer my sincere condolences and prayers to the family and friends of Captain Cahill. His noble service to the United States of America is to be respected and remembered by all. Every American and all Nebraskans should be proud of the service of brave military personnel such as CPT Joel Cahill.

IN HONOR OF ARMY STAFF SERGEANT JASON FEGLER

Mr. President, I rise today to honor Army SSG Jason Fegler of Harrisburg, NE.

Staff Sergeant Fegler, 24, graduated from Banner County High School before serving for more than 4 years in the Marine Corps. He then joined the Army where he served in the 101st Airborne. He died November 4, 2005, following a month of service in Iraq.

Staff Sergeant Fegler is survived by his wife, Shianne, who is in the Navy and lives in Virginia Beach, VA. Jason and Shianne are the parents of a 2-year-old son, Aiden. He is also survived by his father, Jim Fegler, and numerous other family members, friends, and fellow soldiers.

I would like to offer my sincere condolences and prayers to the family and friends of Staff Sergeant Fegler. His noble service to the United States of America is to be respected and remembered by all. Every American and all Nebraskans should be proud of the service of brave military personnel such as SSG Jason Fegler.

THE COMBAT METH ACT

Mr. LEAHY. Mr. President, methamphetamine abuse has increased exponentially in recent years, expanding geographically to reach all corners of the United States. In recent years, the problem has made its way to Vermont. I am concerned about escalating methamphetamine abuse and have worked with other interested Senators to find ways to combat this growing problem.

With Senator FEINSTEIN taking the lead, on July 28, 2005, the Senate Judiciary Committee unanimously reported out the Combat Meth Act, S. 103, with a committee amendment. I worked with Senator FEINSTEIN and the other members of the committee to reach this result.

In September, I worked with Chairman SHELBY and Senator MIKULSKI to take the unusual action of including the Combat Meth Act as an amendment to the Commerce Justice Science appropriations bill. I did this to accommodate Senator FEINSTEIN's request and to try to make progress on this measure. By that action the Senate approved the Combat Meth Act, S. 103, as reported by the Judiciary Committee, as an amendment and then in passage of the bill. House conferees would not agree to the Senate bill. Without agreement on such an authorization, it was not retained in the appropriations conference report.

Last Thursday, I honored the request of Senator FEINSTEIN and worked to clear the Combat Meth Act, S. 103, as reported by the Judiciary Committee, for passage by the Senate as a freestanding bill. It is clear on the Democratic side. It has been clear for days. All Senate Democrats are ready to pass that measure. It is being prevented from passage by an anonymous objection from the Republican side of the aisle.

The Senate's bipartisan bill focuses directly on providing law enforcement and prosecutors the tools they told us they needed. These include putting precursor chemicals behind the pharmacy counters, monitoring and regulating the quantities that can be bought in a 30-day period, and making it harder to smuggle such ingredients into the United States. The Senate bill focuses on prevention, regulation, monitoring, and treatment. Our bill would make it harder for people to enter the nightmarish world of methamphetamine use and abuse, harder for other countries and companies to profit from methamphetamine misery, and easier for law enforcement to combat this problem on the ground.

I know that Senator FEINSTEIN has been working tirelessly for years to do something about this important issue. She has been tenacious and dedicated, and I respect her leadership in this area. She and Senator TALENT know that I have tried to accommodate them and to facilitate passage of this legislation.

ABUSE OF FOREIGN DETAINEES

Mr. LEAHY. Mr. President. The Bush administration has steadfastly refused to address the black mark on our Nation caused by its interrogation policies and practices and the resulting abuse of detainees. Some of us in Congress strongly believe that oversight and accountability are paramount to restoring America's reputation as a human rights leader. We have been stymied in our efforts to learn the truth about how this administration's policies trickled down from offices in Washington to cellblocks in Abu Ghraib, Guantanamo, and Afghanistan.

The administration's effort, led by Vice President CHENEY, to block any legislation that would regulate the treatment of detainees is wrong. Also wrong is the Bush administration's refusal to consider an independent commission to investigate the abuses. It would rather rely on internal, piecemeal investigations conducted within the Defense Department, none of which address the significant role of the Central Intelligence Agency in interrogations.

Given the failure of the Republican-controlled Congress to conduct effective oversight, I support the Levin amendment to the Defense authorization bill to establish an independent commission on the treatment of detainees in U.S. custody. I have spoken many times about the need for a comprehensive, independent investigation into the abuse of detainees. Such an investigation may not be without painful, but accountability is a necessary step if we are to recover from all that has transpired during this administration's watch.

I am not alone in calling for an independent commission. Several organizations, including the American Bar Association, Human Rights First, Amnesty International, and Human Rights Watch, have urged the creation of an independent, bipartisan commission to investigate the prisoner abuses. A letter from eight retired generals and admirals to President Bush asked him to appoint a prisoner abuse commission modeled on the 9/11 Commission. In that letter, the flag officers stated, ''internal investigations by their nature suffer from a critical lack of independence. Americans have never thought it wise or fair for one branch of government to police itself.''

The 9/11 Commission provides more than a structural model for a new commission; it also provides a lesson in how perseverance can overcome the Bush administration's inclination to secrecy and to refuse to acknowledge the facts. The Bush administration initially opposed the formation of the 9/11 Commission, just as it now opposes a prisoner abuse commission. The administration used the same argument against both commissions. It asserts that its own internal investigations are sufficient.

Ironically, Dr. James Schlesinger, the head of a panel established by Secretary Rumsfeld to investigate the prisoner abuses, addressed this issue in his testimony to the Senate Government Affairs Committee in February 2002, as it debated the need for the 9/11 Commission. He argued for the creation of the 9/11 Commission because ''to this point many questions have been addressed piecemeal or not at all. The purpose of the National Commission would be systematically and comprehensively to address such questions and to give a complete accounting of the events leading up to 9/11. In my judgment, such a Commission would serve a high, indeed indispensable, national purpose.'' This is exactly the same reason we need an independent commission to investigate the prisoner abuse scandals.

Ignoring the problem will not make it go away. Delaying the accounting will not solve the problems. Each week brings new allegations that reveal how much we still do not know. Human rights groups and journalists are doing what they can to bring the truth to light. It is past time for Congress to hold a thorough, oversight investigation. The least Congress should finally do is establish an independent commission to investigate these matters. Rather than wait to read about the latest discovery of abuse in tomorrow's paper, let us at least do that.

After months of delay from the Republican Senate leadership, the Senate finally had an opportunity last month to vote on clear guidance for treatment of detainees in U.S. custody. When we did, the Senate voted overwhelmingly, 90 to 9, in favor of Senator MCCAIN's amendment to the Defense appropriations bill, which I was glad to cosponsor along with Senator DURBIN and others.

That same amendment was adopted a second time to the Defense Authorization bill and I, again, cosponsored it.

Our credibility and reputation as a world leader in human rights has suffered greatly during the last few years. The scandals have put our own troops at risk and undermined their efforts in Afghanistan and Iraq.

Many of us have been working on these issues for years. I first wrote to Condoleezza Rice in 2003, after reports of deaths of detainees were reported from the Bagram base in Afghanistan in late 2002. Like so much we have learned, those first reports came from the press and human rights groups, not the Bush administration.

The Bush administration has threatened to veto any legislation that would regulate the treatment of detainees. Vice President CHENEY is reported to be personally lobbying on this matter.

A group of 28 senior military officers, including GEN John Shalikashvili, recently wrote to Senator MCCAIN in support of his amendments addressing detainee treatment. That letter states:

The abuse of prisoners hurts America's cause in the war on terror, endangers U.S. service members who might be captured by the enemy, and is anathema to the values

Americans have held dear for generations. . . . Our service members were denied clear guidance, and left to take the blame when things went wrong. They deserve better than that.

I hope the President will consider these words before he vetoes a bill that contains our amendment.

Prisoner abuse by U.S. personnel is deeply troubling. It is one aspect of a broader problem. While we must ensure that prisoners are treated humanely by our own personnel, we must also prohibit the use of so-called extraordinary renditions to send people to other countries where they will be subject to torture.

The Bush administration says that it does not condone torture, but transferring detainees to other countries where they will be tortured does not absolve our Government of responsibility. By outsourcing torture to these countries, we diminish our own values as a nation and lose our credibility as an advocate of human rights around the world.

We have addressed this issue before. Congress implemented article 3 of the Convention Against Torture in the Foreign Affairs Reform and Restructuring Act of 1998, but this administration has exploited loopholes in that law to transfer detainees to countries where they are subjected to torture. Attorney General Gonzales recently said that U.S. policy is not to send detainees ''to countries where we believe or we know that they're going to be tortured,'' but he acknowledged that we ''can't fully control'' what other nations do, and added that he does not know whether countries have always complied with their promises. In fact, they have not.

I introduced legislation in March to close the loophole and to prevent extraordinary renditions. Now that Congress is finally willing to regulate the treatment of detainees—a power that is expressly granted in the Constitution—I hope that the Senate will support my legislation to prohibit renditions.

THE SECOND CHANCE ACT

Mr. OBAMA. Mr. President, I rise today to speak in favor of the Second Chance Act, a bill to strengthen community safety by improving the reintegration of people returning from prison. I am pleased to work with Senators SPECTER, BIDEN, and BROWNBACK and to be an original cosponsor of this bill.

This year, approximately 650,000 prisoners will be released into communities across America communities in which all of us live. They will have paid their debt to society and will now return to their homes and neighborhoods, to their families, and back to their lives. Their communities are our communities; their success is an important part of our success as a larger community and a nation.

The problem is that for most of these men—and more than 9 out of 10 of them are men—their families, neighborhoods, and prior lives often lack what it takes to ensure successful reintegration. If we punish crime, as we should, then we must also recognize that when punishment is concluded, there are lives that must be resumed constructively. We only hurt ourselves and our own communities if we fail.

That is why the Second Chance Act is so important. It is the leading edge of a smart community response to the challenges we all face from this inevitable feature of our justice system.

In the best of cases, incarcerated individuals maintain contact with their families and receive rehabilitation services while in prison; they are released to a network of law-abiding peers and quickly find a rewarding job that provides the skills and career development for long-term opportunity. Released prisoners can help support their families, become active in their churches and other community organizations, stay off drugs, away from trouble, on track, and out of jail.

Unfortunately, that rarely happens. Up to two-thirds of all released prisoners nationwide end up back in prison within just 3 years. That means that of the 1,800 people released from prisons every single day in this country, almost 1,200 fail to make a successful transition into the world of work and responsibility. They do not manage to find and keep effective jobs and to care for themselves and their families. Many become a drain on their families and a drain on the system. They are more likely to resort to criminal activity and to perpetuate poverty and family dysfunction.

And their failure is our failure since we all share the high cost and other burdens of unemployment, crime, community failure, and cycles of recidivism.

The Illinois Department of Corrections released almost 40,000 people in 2004. A recent Chicago study found that only 30 percent of former prisoners were employed when interviewed 4 to 8 months after release, and of those who succeeded in finding at least some form of legal employment, the average cumulative length of employment was 13 weeks. The same study found that 81 percent of former prisoners were uninsured, and only 29 percent of those working full time had health insurance. Of the people released by the Illinois Department of Corrections three years ago, almost 55 percent of adults and 47 percent of juveniles have already returned to custody. This is a revolving door of failure that must stop.

Fortunately, smart people in hundreds of communities and community organizations all across the country have figured out ways to improve this performance and create constructive places for former prisoners in society. It is in the best interest of all of us and the communities we live in to provide the resources to take these effective strategies to scale. That is what the Second Chance Act does.

In Illinois, dozens of organizations are involved in safely reintegrating former prisoners into their communities, and many have been funded by the Illinois Department of Corrections through grants from the U.S. Department of Justice. As one example, the Safer Foundation has managed to cut the State's recidivism rate by almost 50 percent for the people who receive Safer's supportive employment services. And Safer has further demonstrated that ex-prisoners who are still employed after 12 months of supportive services have a recidivism rate of lower than 10 percent. One of Safer's program models, funded by the U.S. Department of Labor, provides participants with job placement and support services, and matches them with mentors from the neighborhoods where the participants reside. Only 2 percent of the participants in this community and faith-based program have recidivated over a 2-year period.

One of the most effective strategies that Safer, the Heartland Alliance for Human Needs and Human Rights, and other nonprofit organizations have devised is transitional jobs, a strategy that worked for welfare to work, and is now working for prison returnees. In a transitional jobs program, former prisoners with employment challenges are hired and paid a wage for legitimate employment in a time-limited, subsidized job. The program not only offers real work, income, skill development, and a letter of reference and experience to add to their resume, it also offers coaching and support services to help participants overcome substantial barriers to employment, such as substance abuse or mental health issues. The program focuses heavily on placement into unsubsidized work at the earliest possible time and job retention services after placement. Studies of successful transitional jobs programs have found that transitional jobs result in a 33 percent increase in employment when compared to other types of employment preparation programs, and that 81 percent to 94 percent of transitional job graduates go on to unsubsidized employment at wages between $7 and $10 per hour.

The participants gain an immediate source of legitimate income upon release. They also gain paid work experience, access to professional counseling and training services, and a clear path to unsubsidized employment in the community. Employers gain access to a pipeline of supported workers who have demonstrated an ability to do the job and remain employable. Most of all, our communities gain by creating a productive place for ex-prisoners, where they contribute positively to family, neighborhood, and the larger environment rather than the opposite.

The ex-prisoner population is a challenging one to serve. It is estimated that 95 percent of unskilled jobs in this country require a high school diploma or some work experience. But 40 percent of released prisoners lack a high school diploma or GED—more than

twice the rate for the general population over 18. And 38 percent of prisoners without high school degrees were unemployed just prior to being incarcerated, compared to 25 percent for those with high school diplomas.

In prison, only about one-third of inmates receive vocational training or work experience designed to improve their ability to obtain legitimate employment once released. And very few former incarcerated individuals receive job counseling and placement services after their release.

Because of the low pay, lack of benefits, and lack of advancement potential of many formal work activities, informal and illegal activities may be tempting. Especially considering that an estimated 70 percent of State prison inmates have a history of regular drug use, and very few receive formal treatment in prison.

Most communities where prisoners go upon release already struggle with high poverty, unemployment, fragile families, and a dearth of jobs. In Illinois, for example, 54 percent of those released from prison return to just seven communities around Chicago. These communities are among the poorest in Chicago and are ill prepared for the additional burden of reintegrating young men with criminal records, spotty employment histories, low skills and education.

Former prisoners also face employer resistance to hiring people with criminal backgrounds. One study found that applicants with criminal records experienced a 50 percent reduction in job offers for entry level jobs, compared to those without records. This was compounded by racial bias as black former inmates experienced at 64 percent reduction in offers.

Other barriers include one documented by a recent study in Illinois in which only 22 percent percent of the prisoners had a photo identification card at the time of release. And most prisoners have financial and other obligations, including child support and the conditions of their release, that require immediate attention.

Notwithstanding the barriers to successful reentry, however, faith based and community based organizations have been achieving positive results with the released prisoner population for years. The Second Chance Act celebrates the potential of nonprofit community organizations working with State and local authorities and corrections departments to promote responsible parenting and sustainable employment, and to reduce recidivism.

This bill will make funding available to the Attorney General to support and evaluate the efforts of innovative communities and local service providers. Grants can be used to expand access to transitional jobs programs and to transitional and permanent housing, to support health services, to support the children of incarcerated parents and the maintenance of healthy parent-child relationships, to address literacy and educational needs, and to ensure that appropriate job training, placement, and retention services are available.

Priority under the Second Chance Act will be given to projects that serve geographic areas with large ex-prisoner populations, to projects that include partnerships with nonprofit organizations, and to projects that provide consultations between victims and ex-prisoners. Priority will also be given to projects that consider appropriate reforms of sanctions for technical post-release violations, and to projects that establish pre-release procedures to connect participants to the State and Federal benefits and referrals to social and health services for which they are eligible.

And by maintaining a strict focus on measurable results and data collection, the Second Chance Act will help us learn what works and what does not work.

Too many people are caught up in the criminal justice system. Especially within the African American community where 32 percent of black males will enter State or Federal prison sometime during their lifetime. Communities are protected and strengthened when people who break the law are punished appropriately. But communities—all communities, including yours and mine are weakened if we neglect the challenges of rehabilitation and reentry.

To improve the integration of former prisoners and to reduce recidivism is in all of our best interests. A well-designed reentry system can enhance public safety, reduce recidivism, reduce costs, and help prisoners achieve long-term integration. Former prisoners who are engaged in lawful work after they have returned to the community are less likely to commit new crimes and are more likely to be involved in their children's lives.

The Second Chance Act is an important effort to strengthen America's communities. The bill is supported by a wide range of organizations, and I urge my colleagues to join us in passing this important legislation.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On August 08, 2005, in New York, NY, an unidentified gay man was beaten by two men in what police are calling a hate crime. The man was walking with a companion when two others approached screaming anti-gay slurs before attacking the victim; the attacker hit the victim repeatedly. Following the attack, the victim was taken to a near by Manhattan Hospital for head injuries.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

CONGRESSIONAL BUDGET ACT COMPLIANCE

Mr. GREGG. Mr. President, pursuant to section 313(c) of the Congressional Budget Act of 1974, on November 3, 2005, I submitted for the RECORD a list of material in S. 1932 considered to be extraneous under subsections (b)(1)(A), (b)(1)(B), and (b)(1)(E) of section 313. The last page of the list that was printed in the CONGRESSIONAL RECORD of November 3, 2005, was inadvertantly dropped. Today I resubmit the complete list and asked that it be printed in the CONGRESSIONAL RECORD.

EXTRANEOUS PROVISIONS—SENATE BILL

[Prepared by Senate Budget Committee Majority Staff]

SENATE	
Provision	Violation/Comments
TITLE I—AGRICULTURE, NUTRITION AND FORESTRY	
N/A	N/A
TITLE II—BANKING, HOUSING, AND URBAN AFFAIRS	
Sec. 2014(b)(3)(F)	313(b)(1)(A)—Report to Congress.
Sec. 2018(a)	313(b)(1)(A)—Studies of potential changes to the federal deposit insurance system—just a study.
Sec. 2018(b)	313(b)(1)(A)—Studies of potential changes to the federal deposit insurance system—just a study.
Sec. 2025	313(b)(1)(A)—Authorization of Appropriations—no money involved.
TITLE III—COMMERCE, SCIENCE, AND TRANSPORTATION	
3005(c)(2)	313(b)(1)(E)—low-power TV and translator outlays occur after 2010, increasing the deficit.
3005(c)(3)	313(b)(1)(E)—interoperability grant outlays occur after 2010, increasing the deficit.
3005(c)(4)	313(b)(1)(E)—E911 outlays occur after 2010, increasing the deficit.
3005(c)(5)	313(b)(1)(E)—coastal assistance outlays occur after 2010, increasing the deficit.
3005(d)	313(b)(1)(A)—transferring offsetting receipts that federal government has already received does not produce a change in outlays.
3005(f)	313(b)(1)(A)—does not produce a change in outlays as additional receipts could not be spent and would be deposited in Treasury anyway.
TITLE IV—ENERGY AND NATURAL RESOURCES	
N/A	N/A
TITLE V—ENVIRONMENT AND PUBLIC WORKS	
N/A	N/A
TITLE VI—FINANCE	
6012(a)(5)(F)	313(b)(1)(A)—Requirements on insurance sellers produce no change in outlays or revenues.
6012(b)(4)	313(b)(1)(A)—State reporting requirement produces no change in outlays or revenues.
6012(c)	313(b)(1)(A)—Annual report to Congress produces no change in outlays or revenues.
6022	313(b)(1)(A)—CBO score of zero.
6026(a) Sec. 1937(a).	313(b)(1)(A)—Medicaid CFO produces no change in outlays or revenues.
6026(a) Sec. 1937(b).	313(b)(1)(A)—Oversight Board produces no change in outlays or revenues.
6026(a) Sec. 1937(e).	313(b)(1)(A)—Annual report produces no change in outlays or revenues.
6036(e)	313(b)(1)(A)—Reports produce no change in outlays or revenues.
6043(c)(2)	313(b)(1)(A)—Budget neutrality language produces no change in outlays or revenues.
6103(c)	313(b)(1)(A)—Study and Report by HHS Inspector General produces no change in outlays or revenues.
6103(d)	313(b)(1)(A)—Rehabilitation Advisory Council produces no change in outlays or revenues.
6110(a) 1860E–1(e).	313(b)(1)(A)—Arrangement with an Entity to Provide Advice and Recommendations produces no change in outlays or revenues.
6110(b)(3)(E)	313(b)(1)(A)—Report produces no change in outlays or revenues.
6110(c)(1)(C)	313(b)(1)(A)—Sense of the Senate produces no change in outlays or revenues.

EXTRANEOUS PROVISIONS—SENATE BILL—Continued

[Prepared by Senate Budget Committee Majority Staff]

SENATE

Provision	Violation/Comments
6110(g)(1)	313(b)(1)(A)—Requirement for skilled nursing facilities to report functional capacity of Medicare residents upon admission and discharge produces no change in outlays or revenues.
6113(d)	313(b)(1)(A)—Evaluation of PACE providers serving rural service areas produces no change in outlays or revenues.
6026(a) Sec. 1936(d).	313(b)(1)(A)—5-year plan produces no additional change in outlays or revenues.
6026(a) Sec. 1936(3)(3).	313(b)(1)(A)—Annual report requirement produces no change in outlays or revenues.
TITLE VII—HEALTH, EDUCATION, LABOR & PENSIONS	
Sec. 7101(f)	313(b)(1)(A)—Pro-GAP Sunset language/does not produce a change in outlays.
Sec. 7101(b)	313(b)(1)(A)—Pro-GAP Sense of the Senate/does not produce a change in outlays.
Sec. 7102(a), (b) and (d).	313(b)(1)(A)—SMART Grant findings/purpose/name, do not produce a change in outlays.
Sec. 7102(i)	313(b)(1)(A)—SMART Grant matching assistance/does not produce a change in outlays.
Sec. 7109	313(b)(1)(A)—Single Holder Rule/does not produce a change in outlays.
Sec. 7122 (b)	313(b)(1)(A)—Evaluation of Simplified Needs Test/does not produce a change in outlays.
Sec. 7153 (h), (i), (j), and Sec. 7155.	313(b)(1)(A)—Authorizes waivers of provisions of discretionary programs, and addresses certain reporting requirements/do not produce a change in outlays.
Sec. 7201(d)(3) ..	313(b)(1)(A)—Pensions: (d)(3) special rule regarding future legislation/does not produce a change in outlays.
Sec. 7301, Sec. 7302 and Sec. 7311.	313(b)(1)(A)—HEA general provisions and definitions/ do not produce a change in outlays.
Sec. 7314	313(b)(1)(A)—Protection of Student Speech and Assoc Rights/does not produce a change in outlays.
Sec. 7315	313(b)(1)(A)—Nat'l Advisory Comm. on Inst Quality/ does not produce a change in outlays.
Sec. 7316	313(b)(1)(A)—Drug and Alcohol Abuse Prevention/does not produce a change in outlays.
Sec. 7317	313(b)(1)(A)—Prior Rights and Obligations—updates discretionary authorizations/does not produce a change in outlays.
Sec. 7318	313(b)(1)(A)—Cost of Higher ED Consumer Info/does not produce a change in outlays.
Sec. 7319	313(b)(1)(A)—Performance Based Org for Delivery of Fed Student Assist/does not produce a change in outlays.
Sec. 7320	313(b)(1)(A)—Procurement Flexibility/does not produce a change in outlays.
Sec. 7331	313(b)(1)(A)—Teacher Quality Enhancement/does not produce a change in outlays.
Sec. 7341—Sec. 7350.	313(b)(1)(A)—Institutional Aid/does not produce a change in outlays.
Sec. 7351	313(b)(1)(A)—Technical Corrections/does not produce a change in outlays.
Sec. 7361 2(A) ...	313(b)(1)(A)—Pell—max authorized grant. Nothing in Pro-GAP is driven off of ''max'' Pell Grant/does not produce a change in outlays.
Sec. 7362	313(b)(1)(A)—TRIO Programs/does not produce a change in outlays.
Sec. 7363	313(b)(1)(A)—GEAR-UP/does not produce a change in outlays.
Sec. 7364	313(b)(1)(A)—Repeal of Academic Achievement Scholarships/does not produce a change in outlays.
Sec. 7365	313(b)(1)(A)—SEOG/does not produce a change in outlays.
Sec. 7366	313(b)(1)(A)—LEAP/does not produce a change in outlays.
Sec. 7367	313(b)(1)(A)—Migrant ED/does not produce a change in outlays.
Sec. 7368	313(b)(1)(A)—Robert C. Byrd Honors/does not produce a change in outlays.
Sec. 7369	313(b)(1)(A)—Child Care Access Means Parents in School/does not produce a change in outlays.
Sec. 7370	313(b)(1)(A)—Repeal of Learning Anytime Anywhere Partnerships/does not produce a change in outlays.
Sec. 7386	313(b)(1)(A)—Reports to Credit Bureaus & Institutions/ does not produce a change in outlays.
Sec. 7387	313(b)(1)(A)—Common Forms and Formats/does not produce a change in outlays.
Sec. 7388	313(b)(1)(A)—Information to Borrower and Privacy/does not produce a change in outlays.
Sec. 7389	313(b)(1)(A)—Consumer Education Information/does not produce a change in outlays.
Sec. 7391	313(b)(1)(A)—Federal Work Study/does not produce a change in outlays.
Sec. 7393	313(b)(1)(A)—Grants for Work Study Programs/does not produce a change in outlays.
Sec. 7394	313(b)(1)(A)—Job Location and Development Programs/ does not produce a change in outlays.
Sec. 7395	313(b)(1)(A)—Work Colleges—discretionary program/ does not produce a change in outlays.
Sec. 7412	313(b)(1)(A)—Terms of Loans—technical change/does not produce a change in outlays.
Sec. 7422	313(b)(1)(A)—Discretion of Financial Aid Administrators/does not produce a change in outlays.
Sec. 7432	313(b)(1)(A)—Compliance Calendar/does not produce a change in outlays.
Sec. 7437	313(b)(1)(A)—Institutional and Financial Info/Assist to Students/does not produce a change in outlays.
Sec. 7438	313(b)(1)(A)—Nat'l Student Loan Data System/does not produce a change in outlays.
Sec. 7439	313(b)(1)(A)—Early Awareness of Financial Aid Eligibility/does not produce a change in outlays.
Sec. 7442	313(b)(1)(A)—Reg. Relief and Improvement/does not produce a change in outlays.
Sec. 7443	313(b)(1)(A)—Transfer of Allotments/does not produce a change in outlays.

EXTRANEOUS PROVISIONS—SENATE BILL—Continued

[Prepared by Senate Budget Committee Majority Staff]

SENATE

Provision	Violation/Comments
Sec. 7445	313(b)(1)(A)—Purpose of Admin Payments/does not produce a change in outlays.
Sec. 7446	313(b)(1)(A)—Advisory Committee on Student Financial Assist/does not produce a change in outlays.
Sec. 7447	313(b)(1)(A)—Regional meetings/does not produce a change in outlays.
Sec. 7448	313(b)(1)(A)—Year 2000/does not produce a change in outlays.
Sec. 7451	313(b)(1)(A)—Recognition of Accrediting Agency or Assoc/does not produce a change in outlays.
Sec. 7452	313(b)(1)(A)—Administrative Capacity Standard/does not produce a change in outlays.
Sec. 7453	313(b)(1)(A)—Program Review and Data/does not produce a change in outlays.
Sec. 7501	313(b)(1)(A)—Developing Institutions Definitions/does not produce a change in outlays.
Sec. 7502	313(b)(1)(A)—Auth Activities/does not produce a change in outlays.
Sec. 7503	313(b)(1)(A)—Duration of Grant/does not produce a change in outlays.
Sec. 7504	313(b)(1)(A)—Hispanic American Post baccalaureate/ does not produce a change in outlays.
Sec. 7505	313(b)(1)(A)—Applications/does not produce a change in outlays.
Sec. 7506	313(b)(1)(A)—Cooperative Arrangements/does not produce a change in outlays.
Sec. 7507	313(b)(1)(A)—Authorization of Appropriations/does not produce a change in outlays.
Sec. 7601	313(b)(1)(A)—International Education Programs/does not produce a change in outlays.
Sec. 7602	313(b)(1)(A)—Graduate and Undergraduate Language and Area Centers and Programs/does not produce a change in outlays.
Sec. 7603	313(b)(1)(A)—Undergrad International Studies and Foreign Languages/does not produce a change in outlays.
Sec. 7604	313(b)(1)(A)—Research Studies/does not produce a change in outlays.
Sec. 7605	313(b)(1)(A)—Tech Innovation and Cooperation for Foreign Info Access/does not produce a change in outlays.
Sec. 7606	313(b)(1)(A)—Selection of Certain Grant Recipients/ does not produce a change in outlays.
Sec. 7607	313(b)(1)(A)—American Overseas Research Centers/ does not produce a change in outlays.
Sec. 7608	313(b)(1)(A)—Auth of Appropriations/does not produce a change in outlays.
Sec. 7609	313(b)(1)(A)—Centers for Intl Business Education/does not produce a change in outlays.
Sec. 7610	313(b)(1)(A)—Education and Training Programs/does not produce a change in outlays.
Sec. 7611	313(b)(1)(A)—Auth of Appropriations/does not produce a change in outlays.
Sec. 7612	313(b)(1)(A)—Minority Foreign Service Prof Dev Program/does not produce a change in outlays.
Sec. 7613	313(b)(1)(A)—Institutional Development/does not produce a change in outlays.
Sec. 7614	313(b)(1)(A)—Study Abroad Program/does not produce a change in outlays.
Sec. 7615	313(b)(1)(A)—Advanced Degree in Intl Relations/does not produce a change in outlays.
Sec. 7616	313(b)(1)(A)—Internships/does not produce a change in outlays.
Sec. 7617	313(b)(1)(A)—Financial Assistance/does not produce a change in outlays.
Sec. 7618	313(b)(1)(A)—Report/does not produce a change in outlays.
Sec. 7619	313(b)(1)(A)—Gifts and Donations/does not produce a change in outlays.
Sec. 7620	313(b)(1)(A)—Auth. of Appropriations for Inst of Intl Public Policy/does not produce a change in outlays.
Sec. 7621	313(b)(1)(A)—Definitions/does not produce a change in outlays.
Sec. 7622	313(b)(1)(A)—Assessment and Enforcement/does not produce a change in outlays.
Sec. 7701—Sec. 7716.	313(b)(1)(A)—Graduate and Postsecondary Improvement Programs/does not produce a change in outlays.
Sec. 7801	313(b)(1)(A)—Misc. Discretionary Programs/does not produce a change in outlays.
Sec. 7901	313(b)(1)(A)—Amendments to Other Laws/does not produce a change in outlays.
Sec. 7902	313(b)(1)(A)—Agreement with Gallaudet University/does not produce a change in outlays.
Sec. 7903	313(b)(1)(A)—Agreement with Nat'l Tech Inst for the Deaf/does not produce a change in outlays.
Sec. 7904	313(b)(1)(A)—Cultural Experiences Grants/does not produce a change in outlays.
Sec. 7905	313(b)(1)(A)—Audit/does not produce a change in outlays.
Sec. 7906	313(b)(1)(A)—Reports/does not produce a change in outlays.
Sec. 7907	313(b)(1)(A)—Monitoring Evaluation and Reporting/ does not produce a change in outlays.
Sec. 7908	313(b)(1)(A)—Liaison for Educational Programs/does not produce a change in outlays.
Sec. 7909	313(b)(1)(A)—Fed Endowment for Gallaudet/does not produce a change in outlays.
Sec. 7910	313(b)(1)(A)—Oversight and Effect of Agreements/does not produce a change in outlays.
Sec. 7911	313(b)(1)(A)—International Students/does not produce a change in outlays.
Sec. 7912	313(b)(1)(A)—Research Priorities/does not produce a change in outlays.
Sec. 7913	313(b)(1)(A)—Authorization of Appropriations/does not produce a change in outlays.
Sec. 7921	313(b)(1)(A)—US Inst of Peace Act/does not produce a change in outlays.

EXTRANEOUS PROVISIONS—SENATE BILL—Continued

[Prepared by Senate Budget Committee Majority Staff]

SENATE

Provision	Violation/Comments
Sec. 7931	313(b)(1)(A)—Repeals various provisions of PL 105–244/does not produce a change in outlays.
Sec. 7932	313(b)(1)(A)—Grants to States for Incarcerated Youth Offenders/does not produce a change in outlays.
Sec. 7941	313(b)(1)(A)—Reauth. Tribal Colleges/does not produce a change in outlays.
Sec. 7945—Sec. 7946.	313(b)(1)(A)—Reauth. Navajo Nation Community College Act/does not produce a change in outlays.
TITLE VIII—JUDICIARY	
Sec. 8001(c)(1)(a) Adjustment of Status.	313(b)(1)(A)—This section allows an immigrant who has paid the supplemental petition fee to file for adjustment of status whether or not a visa is immediately available. Because the fee will have already been collected, this application adjustment does not affect the score.

ADDITIONAL STATEMENTS

IN MEMORIUM OF CLIFFORD BROWN

• Mr. CARPER. Mr. President, I would like to set aside a moment to reflect on the life of Clifford Brown. He would have celebrated his 75th birthday this past October 30. Clifford was a man who made a remarkable contribution toward the world of music by his soulful playing of the trumpet. He was a truly talented man who dedicated his life to music and his family.

Clifford was born on October 30, 1930, in Wilmington, DE. His father was a self-taught musician who kept several instruments around the house, including a bugle which young Clifford began playing at only 5 years old. He soon discovered the trumpet, which would change his life and the texture of jazz for all of eternity.

At the age of 12, Clifford's father arranged for him to study with esteemed local music teacher Robert Lowery, also from Wilmington. Under Robert's tutelage, Clifford began to display the promise of his ability and develop his own style of playing.

After studying with Mr. Lowery for 3 years, during which Clifford played in his teacher's dance band, Clifford moved his music education to Howard High School where he met Harry Andrews, the school's band and choral director. Mr. Andrews taught Clifford how to blend the free-flowing harmonies of jazz with the classical lines of more traditional music. This experience allowed Clifford to develop his own sound, which would be the starting point for his journey to greatness within the jazz community. His tutelage at Howard High School culminated with Clifford playing ''The Carnival of Venice'' as his graduation solo, which would be remembered by all who attended the ceremony.

After graduation, Clifford obtained a music scholarship to study mathematics at the University of Delaware, which, at the time, did not have a music department. He later attended Maryland State College, where Clifford played and composed music for the college band. It was during this time that Clifford was to meet the other love of his life, LaRue Anderson.

At the time, Ms. Anderson was doing a study on the psychology of music and had caught the eye of two future jazz greats, Charlie Parker and Max Roach, who were also acquaintances of Clifford Brown. Mr. Parker and Mr. Roach decided that Ms. Anderson and Clifford would make excellent companions, so they arranged for the two of them to meet. They met, fell in love, and later married.

After recovering from severe injuries due to a traffic accident, Clifford traveled to Europe in 1953 with Lionel Hampton and his big band. Despite contractual obligations, Clifford used his free time to record various solo and group projects, which would propel him to the next level of musical recognition. In 1954, Clifford teamed up with fellow jazz great Max Roach to form the Clifford Brown—Max Roach Quintet which was quickly recognized as one of the most formidable collections of contemporary jazz talent.

While touring the Nation with his quintet, Clifford Brown, who was only 25 years old at the time, died in a traffic accident on June 26, 1956. While the tragedy of his passing weighs heavy in our hearts, we are truly blessed that Clifford's musical genius survives in the sounds of modern jazz trumpeters everywhere. His widow LaRue Brown Watson passed away October 2, 2005.

It is difficult to refute that Clifford's rare combination of musical intelligence and immense emotional range changed the landscape of modern jazz forever. Fortunately for music lovers everywhere, Clifford's work has been immortalized on numerous recordings, almost any of which can be safely recommended as superior examples of what the jazz trumpet was meant to sound like. I rise today to commemorate Clifford Brown, his life, and his outstanding musical legacy.●

TRIBUTE TO DR. JACK GEIGER

● Mrs. CLINTON. Mr. President, I would like to take this opportunity to recognize an outstanding leader from New York who has spent his entire career championing improved health for minorities. Dr. Jack Geiger has been a pioneer in medical care for underserved populations through his dedicated work as a human rights advocate, scholar, educator, and physician. In commemoration of his 80th birthday this month, I would like to congratulate him on the extraordinary accomplishments he has achieved during his career that have impacted so many people in our Nation and in other countries.

For more than 60 years, Dr. Geiger has promoted human rights in the health field. In fact, he was one of the earliest leaders to advance the idea of health care as a civil right. He helped pioneer the American health centers movement by creating the first health centers in rural Mississippi and inner-city Boston, which then burgeoned into a network of more than 900 urban, rural, and migrant centers serving millions of low-income patients today.

It is difficult to cover all of Dr. Geiger's work in addressing human rights violations in the health sector because his contributions are so numerous. In the 1940s and 1950s, he led campaigns to end racial discrimination in hospitals and medical schools. In the 1960s, he helped provide medical care to civil rights workers. Later, he helped found and head the Physicians for Human Rights, a national organization of health professionals that investigates human rights abuses and war crimes and provides medical aid to victims of oppression. This organization shared in the Nobel Prize for Peace in 1998. In more recent years, he has served as the president of the Committee for Health in Southern Africa and as an NGO delegate to the United Nations Conference on Racism and Discrimination, in addition to leading several human rights missions abroad.

Dr. Geiger also has been a prolific researcher and author of numerous articles, book chapters, reports, and monographs on such topics as community-oriented primary care and community health centers, poverty and health care, the role of physicians in the protection of human rights, and health effects of nuclear war. Most recently, he has contributed to seminal reports on racial and ethnic disparities in clinical diagnosis and treatment.

As an educator and a physician, Dr. Geiger has produced generations of committed health professionals throughout the world and has provided medical care to countless patients and communities of all backgrounds. Before assuming his current position as Arthur C. Logan Professor Emeritus of Community Medicine at City University of New York Medical School and Visiting Professor of Epidemiology at Mailman-Columbia School of Public Health, he served as Chairman of the Department of Community Medicine at Tufts University Medical School, Visiting Professor of Medicine at Harvard Medical School and Chairman of the Department of Community Medicine at State University of New York at Stony Brook School of Medicine. There is no doubt that this extraordinary man embodies the true meaning of ''doctor'' and has positively changed the lives of tens of thousands of people.

For his work on health care, human rights, and poverty, Dr. Gieger has been recognized with scores of illustrious awards; most recently, he was the recipient of the Award for Academic Leadership in Primary Care from Morehouse School of Medicine in 2003 and the Paul Cornely Award from the Physicians Forum in 2004. It is only fitting that we acknowledge this health champion today. I congratulate Dr. Geiger on a lifetime full of remarkable accomplishments and am proud to honor his 80th birthday.●

HELEN BOOSALIS

● Mr. NELSON of Nebraska. Mr. President, I rise today to pay tribute to a person who has been instrumental in making Lincoln, NE, one of the great capital cities in America.

Helen Boosalis served on the city council before unseating an incumbent to be elected mayor of Lincoln, NE, earning her the distinction of being the first woman in America elected to the position of mayor in a city with a population of more than 100,000 residents.

As mayor of Lincoln from 1975 to 1983, Helen Boosalis was a member of the U.S. Conference of Mayors where she became one of the first women to become president of that organization.

Three years after leaving the mayor's office, Helen Boosalis won the Democratic nomination to run for Governor of Nebraska in a race where I had the honor of being her campaign chairman. She faced Kay Orr, who was Nebraska State treasurer at the time in what was the first woman-versus-woman gubernatorial campaign in American history.

She didn't win but she didn't give up her desire for public service and helping people who are in need.

Helen Boosalis went on to serve as president and chairman of the board of directors of the American Association of Retired Persons and, as such, had the opportunity to testify before Congress as she championed the causes of the Nation's senior citizens.

Since leaving that position, Helen Boosalis has tirelessly devoted herself to volunteering her services to help one worthwhile cause after another.

Her generosity even earned her a quote in the 2004 ''Giving is Caring'' inspirational calendar which included quotes from such notables as Albert Einstein, Martin Luther King, Jr., Thomas Jefferson, Ronald Reagan, Eleanor Roosevelt, Confucius, and Aristotle. Her quote goes to the spirit of voluntarism. It read, ''America has had a long and rich tradition of generosity that began with simple acts of neighbor helping neighbor.''

As an octogenarian, Helen Boosalis continues to serve her fellow Nebraskans with so much abundant energy that once caused one of her colleagues to describe her as a ''Whirlwind.''

Her honors are far too numerous to mention from the prestigious Midlander of the Year to Nebraska Woman of Distinction, but the honor she will receive this Sunday in the city she loves may be the best yet even though on the surface it appears to be quite humble.

Lincoln, NE, is a pedestrian friendly city with a beautiful and extensive network of hiking and biking trails that can trace their roots to Helen Boosalis' leadership as mayor.

On Sunday, November 13, 2005, the section of trail along Nebraska Highway Two where the entire system began in the mid 1970s thanks to Helen Boosalis' vision as mayor will be named in her honor.

A tree will also be planted as living testimony for decades of Nebraskans to come that they owe the tremendous system of trails that those in Lincoln continue to enjoy to the leadership of Mayor Helen Boosalis.

In closing, I would like to quote from the invitation for this Sunday's event:

It was once said that Helen Boosalis has governed this city with graciousness, with tenacity, with determination, with understanding, with ability, with hope, with vision, with fairness, and with many other valued attributes. Now it's time to honor her with the naming of Helen Boosalis Trail.●

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 Committee on Armed Services.

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

MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill H.R. 3058 making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: Mr. KNOLLENBERG, Mr. WOLF, Mr. ROGERS of Kentucky, Mr. TIAHRT, Mrs. NORTHUP, Mr. ADERHOLT, Mr. SWEENEY, Mr. CULBERSON, Mr. REGULA, Mr. LEWIS of California, Mr. OLVER, Mr. HOYER, Mr. PASTOR, Ms. KILPATRICK, Mr. CLYBURN, Mr. ROTHMAN, and Mr. OBEY.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1973. An act to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 260. Concurrent resolution recognizing the 40th anniversary of the Second Vatican Council's promulgation of Nostra Aetate, the declaration on the Relation of the Roman Catholic Church to non-Christian religions, and the historic role of Nostra Aetate in fostering mutual interreligious respect and dialogue.

At 4:21 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill H.R. 3010 making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House: Mr. REGULA, Mr. ISTOOK, Mr. WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Ms. GRANGER, Mr. PETERSON of Pennsylvania, Mr. SHERWOOD, Mr. WELDON of Florida, Mr. WALSH, Mr. LEWIS of California, Mr. OBEY, Mr. HOYER, Mrs. LOWEY, Ms. DELAURO, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, and Ms. ROYBAL-ALLARD.

ENROLLED BILL SIGNED

At 4:36 p.m., a message from the House of Representatives delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1285. An act to designate the Federal building located at 333 Mt. Elliott Street in Detroit, Michigan, as the ''Rosa Parks Federal Building''.

The bill was signed subsequently by the President pro tempore (Mr. STEVENS).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1969. A bill to express the sense of the Senate regarding Medicaid reconciliation legislation to be reported by a conference committee during the 109th Congress.

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–4582. A communication from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter (Enhydra lutris kenyoni)'' (RIN1018–AI44) received on November 2, 2005; to the Committee on Environment and Public Works.

EC–4583. A communication from the Assistant Secretary, Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Allium munzii (Munz's Onion)'' (RIN1018–AJ10) received on November 2, 2005; to the Committee on Environment and Public Works.

EC–4584. A communication from the Assistant Secretary, Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Listing with Designation of Critical Habitat for Gila Chub'' (RIN1018–AG16) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4585. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Ambient Air Quality Standard for Ozone and Fine Particulate Matter'' (FRL7992–3) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4586. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Repeal of NOx Budget Program COMAR 26.11.27 and 26.11.28'' (FRL7992–5) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4587. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Provo Attainment Demonstration of the Carbon Monoxide Standard, Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions'' (FRL7992–6) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4588. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference'' (FRL7985–6) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4589. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants'' (FRL7992–8) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4590. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Guideline on Air Quality Models (appendix W to 40 CFR Part 51): Adoption of a Preferred General Purpose (Flat and Complex Terrain) Dispersion Model and Other Revisions'' (FRL7990–9) received on November 1, 2005; to the Committee on Environment and Public Works.

EC–4591. A communication from the Assistant Secretary of Defense, Reserve Affairs, transmitting, pursuant to law, a report on the differing Army and Air Force policies for taking adverse administrative actions

against National Guard officers in a state status and a determination by the Secretary of Defense as to whether changes are needed in those policies; to the Committee on Armed Services.

EC–4592. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a list of 24 officers authorized to wear the insignia of the grade of brigadier general; to the Committee on Armed Services.

EC–4593. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Lieutenant General William T. Hobbins, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4594. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Major General Michael W. Peterson, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4595. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Major General Michael D. Maples, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4596. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of Rear Admiral Patrick M. Walsh, United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10 United States Code, section 777; to the Committee on Armed Services.

EC–4597. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to advance billing in the month of September, 2005; to the Committee on Armed Services.

EC–4598. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Addition of San Marino to the List of Countries Eligible to Export Meat Products to the United States'' (RIN0583–AC91) received on November 4, 2005 to the Committee on Agriculture, Nutrition, and Forestry.

EC–4599. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Congressionally Mandated Evaluation of the State Children's Health Insurance Program: Final Report to Congress''; to the Committee on Health, Education, Labor, and Pensions.

EC–4600. A communication from the Regulations Coordinator, Centers for Disease Control, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Possession, Use, and Transfer of Select Agents and Toxins—Reconstructed Replication Competent Forms of the 1918 Pandemic Influenza Virus Containing Any Portion of the Coding Regions of All Eight Gene Segments'' received on November 4, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4601. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled ''Statistical Programs of the United States Government: Fiscal Year 2006''; to the Committee on Homeland Security and Governmental Affairs.

EC–4602. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Redefinition of the Central North Carolina Appropriated Fund Wage Area'' (RIN3206–AK83) received on November 4, 2005; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR, from the Committee on Foreign Relations: Agreement with Canada on Pacific Hake/Whiting (Treaty Doc. 108–24) (Ex. Rept. 109–5). Text of the resolution of ratification as reported by the Committee on Foreign Relations:

Resolved (two-thirds of the Senators present concurring therein),

That the Senate advises and consents to the ratification of the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting, done at Seattle, November 21, 2003.

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 Ms. STABENOW:

S. 1973. A bill to provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, to express the sense of the Senate regarding full funding of LIHEAP, and to provide consumer protections against fuel price gouging, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 1974. A bill to provide States with the resources needed to rid our schools of performance-enhancing drug use; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA:

S. 1975. A bill to prohibit deceptive practices in Federal elections; to the Committee on Rules and Administration.

By Mr. FEINGOLD (for himself and Mr. KYL):

S. 1976. A bill to make amendments to the Iran Nonproliferation Act of 2000; to the Committee on Foreign Relations.

By Mr. STEVENS:

S. 1977. A bill to repeal section 5 of the Marine Mammal Protection Act of 1972; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CHAFEE (for himself, Ms. STABENOW, Ms. SNOWE, Mrs. BOXER, Mr. CARPER, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. JEFFORDS, Mr. KERRY, Mr. FEINGOLD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mrs. CLINTON, Ms. COLLINS, Ms. CANTWELL, Mr. LIEBERMAN, Mr. DEWINE, Mr. CRAPO, Mr. BOND, Ms. LANDRIEU, and Mr. VITTER):

S. Res. 301. A resolution commemorating the 100th anniversary of the National Audubon Society; to the Committee on Environment and Public Works.

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

S. Con. Res. 62. A concurrent resolution directing the Joint Committee on the Library to procure a statue of Rosa Parks for placement in the Capitol; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 103

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 368

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 368, a bill to provide assistance to reduce teen pregnancy, HIV/AIDS, and other sexually transmitted diseases and to support healthy adolescent development.

S. 431

At the request of Mr. DEWINE, the names of the Senator from Oregon (Mr. SMITH), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 431, a bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 709

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 1014

At the request of Ms. SNOWE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1014, 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. 1082

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 1082, a bill to restore Second Amendment rights in the District of Columbia.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor

of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1351

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1351, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era.

S. 1394

At the request of Mr. SMITH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1394, a bill to reform the United Nations, and for other purposes.

S. 1399

At the request of Mr. THOMAS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1399, a bill to improve the results the executive branch achieves on behalf of the American people.

S. 1418

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1418, a bill to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1424

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1424, a bill to remove the restrictions on commercial air service at Love Field, Texas.

S. 1449

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1449, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes.

S. 1512

At the request of Mr. SARBANES, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1512, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated.

S. 1631

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1631, a bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer, and for other purposes.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1780

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1780, a bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes.

S. 1791

At the request of Mr. SMITH, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1800

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1800, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit.

S. 1807

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1807, a bill to provide assistance for small businesses damaged by Hurricane Katrina or Hurricane Rita, and for other purposes.

S. 1959

At the request of Mr. REID, his name was added as a cosponsor of S. 1959, a bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall.

At the request of Mr. KERRY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Florida (Mr. NELSON) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1959, supra.

S. 1960

At the request of Mr. BUNNING, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1960, a bill to protect the health and safety of all athletes, to promote the integrity of professional sports by establishing minimum standards for the testing of steroids and other performance-enhancing substances and methods by professional sports leagues, and for other purposes.

S. 1961

At the request of Mr. BIDEN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1961, a bill to extend and expand the Child Safety Pilot Program.

S. CON. RES. 48

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome.

S. RES. 155

At the request of Mr. BIDEN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 219, a resolution designating March 8, 2006, as ''Endangered Species Day'', and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. RES. 261

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. Res. 261, a resolution expressing the sense of the Senate that the crisis of Hurricane Katrina should not be used to weaken, waive, or roll back Federal public health, environmental, and environmental justice laws and regulations, and for other purposes.

S. RES. 273

At the request of Mr. COLEMAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet.

AMENDMENT NO. 2424

At the request of Mr. NELSON of Florida, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 2424 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 2424 proposed to S. 1042, supra.

AMENDMENT NO. 2430

At the request of Mr. LEVIN, the names of the Senator from New Jersey

(Mr. LAUTENBERG), the Senator from California (Mrs. FEINSTEIN), the Senator from Delaware (Mr. BIDEN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 2430 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2431

At the request of Mr. MARTINEZ, the names of the Senator from Florida (Mr. NELSON), the Senator from Arizona (Mr. KYL), the Senator from Missouri (Mr. TALENT) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 2431 intended to be proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2432

At the request of Mr. INHOFE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 2432 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2433

At the request of Mr. CHAMBLISS, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Vermont (Mr. LEAHY) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of amendment No. 2433 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2436

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 2436 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2438

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Colorado (Mr. SALAZAR) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of amendment No. 2438 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. STABENOW:

S. 1973. A bill to provide an immediate Federal income tax rebate to help taxpayers with higher fuel costs, to express the sense of the Senate regarding full funding of LIHEAP, and to provide consumer protections against fuel price gouging, and for other purposes; to the Committee on Finance.

Ms. STABENOW. Mr. President, I rise today to introduce the Energy Tax Rebate Act of 2005 and I ask unanimous consent that the text of the bill be printed in the RECORD.

Michigan families and families across America are being delivered a one-two punch when it comes to energy prices. First, they continue to be hit hard by high gasoline prices. Now they are facing home heating costs this winter that are expected to rise dramatically compared to last year.

We can do better than this for our families. So today I am introducing a bill that will provide families with an immediate $500 tax rebate to help them pay for rising energy costs. My legislation also includes important consumer protections to make sure Americans are not the victims of unfair market practices and consumer price gouging. Finally, my bill includes a Sense of the Senate that the Low-Income Home Energy Assistance Program, known as LIHEAP, should be fully funded to its authorized level of $5.1 billion. LIHEAP is a successful program that makes sure our most vulnerable families, those living on low incomes or fixed-incomes, are able to heat their homes during the cold winter months.

Filling our cars with gasoline to take our children to school and heating our homes in the winter are not luxuries. They are necessities. Energy is a necessity. Together we can do better and together we will do better.

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

S. 1973

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Energy Tax Rebate Act of 2005''.

TITLE I—ENERGY TAX REBATE

SEC. 101. ENERGY TAX REBATE.

(a) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end the following new section:

''SEC. 6430. ENERGY TAX REBATE.

''(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for the taxable year beginning in 2005 in an amount equal to the lesser of—

''(1) the amount of the taxpayer's liability for tax for such taxpayer's preceding taxable year, or

''(2) $500.

''(b) LIABILITY FOR TAX.—For purposes of this section, the liability for tax for any taxable year shall be the excess (if any) of—

''(1) the sum of—

''(A) the taxpayer's regular tax liability (within the meaning of section 26(b)) for the taxable year,

''(B) the tax imposed by section 55(a) with respect to such taxpayer for the taxable year, and

''(C) the taxpayer's social security taxes (within the meaning of section 24(d)(2)) for the taxable year, over

''(2) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits) for the taxable year.

''(c) TAXABLE INCOME LIMITATION.—

''(1) IN GENERAL.—If the taxable income of the taxpayer for the preceding taxable year exceeds the maximum taxable income in the table under subsection (a), (b), (c), or (d) of section 1, whichever is applicable, to which the 25 percent rate applies, the dollar amount otherwise determined under subsection (a) for such taxpayer shall be reduced (but not below zero) by the amount of the excess.

''(2) CHANGE IN RETURN STATUS.—In the case of married individuals filing a joint return for the taxable year who did not file such a joint return for the preceding taxable year, paragraph (1) shall be applied by reference to the taxable income of both such individuals for the preceding taxable year.

''(d) DATE PAYMENT DEEMED MADE.—

''(1) IN GENERAL.—The payment provided by this section shall be deemed made on the date of the enactment of the Energy Tax Rebate Act of 2005.

''(2) REMITTANCE OF PAYMENT.—The Secretary shall remit to each taxpayer the payment described in paragraph (1) not later than the date which is 30 days after the date specified in paragraph (1).

''(e) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to—

''(1) 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,

''(2) any estate or trust, or

''(3) any nonresident alien individual.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting before the period '', or enacted by the Energy Tax Rebate Act of 2005''.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 6430. Energy tax rebate.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE II—LOW-INCOME HOME ENERGY ASSISTANCE

SEC. 201. SENSE OF THE SENATE REGARDING FULL FUNDING FOR THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.

It is the sense of the Senate that Congress should appropriate $5,100,000,000 for fiscal year 2006 and each subsequent fiscal year for the Low-Income Home Energy Assistance Program, under section 2602(b) of the Low-Income Home Energy Assistance Act of 1981.

TITLE III—CONSUMER PROTECTIONS

SEC. 301. UNFAIR OR DECEPTIVE ACTS OR PRACTICE IN COMMERCE RELATED TO PRICING OF PETROLEUM PRODUCTS.

(a) SALES TO CONSUMERS AT UNCONSCIONABLE PRICE.—

(1) IN GENERAL.—It is unlawful for any person to sell crude oil, gasoline, or petroleum distillates at a price that—

(A) is unconscionably excessive; or

(B) indicates the seller is taking unfair advantage of circumstances to increase prices unreasonably.

(2) FACTORS CONSIDERED.—In determining whether a violation of paragraph (1) has occurred, there shall be taken into account, among other factors, whether—

(A) the amount charge represents a gross disparity between the price of the crude oil, gasoline, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(B) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(3) MITIGATING FACTORS.—In determining whether a violation of paragraph (1) has occurred, there also shall be taken into account, among other factors, the price that would reasonably equate supply and demand in a competitive and freely functioning market and whether the price at which the crude oil, gasoline, or petroleum distillate was sold reasonably reflects additional costs, not within the control fo the seller, that were paid or incurred by the seller.

(b) PROHIBITION AGAINST GEOGRAPHIC PRICE-SETTING AND TERRITORIAL RESTRICTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), it is unlawful for any person to—

(A) set different prices for gasoline or petroleum distillates for different geographic locations; or

(B) implement a territorial restriction with respect to gasoline or petroleum distillates.

(2) EXCEPTIONS.—A person may set different prices for gasoline or petroleum distillates for different geographic locations or implement territorial restrictions with respect to gasoline or petroleum distillates only if the price differences or restrictions are sufficiently justified by—

(A) differences in the cost of retail space where the gasoline or petroleum distillate is sold;

(B) differences in the cost of transportation of gasoline or petroleum distillates from the refinery to the retail location;

(C) differences in the cost of storage of gasoline or petroleum distillates at the retail location; or

(D) differences in the formulation of the gasoline or petroleum distillates sold.

(c) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, or petroleum distillates to the Federal Trade Commission if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by that department or agency for statistical or analytical purpose with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 302. ENFORCEMENT UNDER FEDERAL TRADE COMMISSION ACT.

(a) ENFORCEMENT BY COMMISSION.—This title shall be enforced by the Federal Trade Commission. In enforcing section 301(a) of this title, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, and petroleum distillates in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

SEC. 303. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 301(a), or to impose the civil penalties authorized by section 304 for violations of section 301(a), whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened by such violation.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in such civil action and upon intervening—

(1) be heard on all matters arising in such civil action; and

(2) file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this title, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complain of the Commission or the other agency for any violation of this title alleged in the complaint.

(g) ENFORCEMENT OF STATE LAW.—Nothing contained in this section shall prohibit an authorized State official from proceeding in state court to enforce a civil or criminal statute of such State.

SEC. 304. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act—

(A) any person who violates section 301(c) of this title is punishable by a civil penalty of not more than $1,000,000; and

(B) any person who violates section 301(a) or 301(b) of this title is punishable by a civil penalty of not more than $3,000,000.

(2) METHOD OF ASSESSMENT.—The penalties provided by paragraph (1) shall be assessed in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the Commission shall take into consideration the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 301(a) of this title is punishable by a fine of not more than $1,000,000, imprisonment for not more than 5 years, or both.

SEC. 305. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

SEC. 306. MARKET TRANSPARENCY FOR CRUDE OIL, GASOLINE, AND PETROLEUM DISTILLATES.

(a) IN GENERAL.—The Federal Trade Commission shall facilitate price transparency in markets for the sale of crude oil and essential petroleum products at wholesale, having due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(b) MARKETPLACE TRANSPARENCY.—

(1) DISSEMINATION OF INFORMATION.—In carrying out this section, the Commission shall provide by rule for the dissemination, on a timely basis, of information about the availability and prices of wholesale crude oil, gasoline, and petroleum distillates to the Commission, States, wholesale buyers and sellers, and the public.

(2) PROTECTION OF PUBLIC FROM ANTICOMPETITIVE ACTIVITY.—In determining the information to be made available under this section and time to make the information available, the Commission shall seek to ensure that consumers and competitive markets are protected from the adverse effects of potential collusion or other anticompetitive behaviors that can be facilitated by untimely public disclosure of transaction-specific information.

(3) PROTECTION OF MARKET MECHANISMS.—The Commission shall withhold from public disclosure under this section any information the Commission determines would, if disclosed, be detrimental to the operation of an effective market or jeopardize security.

(c) INFORMATION SOURCES.—

(1) IN GENERAL.—In carrying out subsection (b), the Commission may—

(A) obtain information from any market participant; and

(B) rely on entities other than the Commission to receive and make public the information, subject to the disclosure rules in subsection (b)(3).

(2) PUBLISHED DATA.—In carrying out this section, the Commission shall—

(A) consider the degree of price transparency provided by existing price publishers and providers of trade processing services; and

(B) rely on such publishers and services to the maximum extent practicable.

(3) ELECTRONIC INFORMATION SYSTEMS.—

(A) IN GENERAL.—The Commission may establish an electronic information system if the Commission determines that existing price publications are not adequately providing price discovery or market transparency.

(B) ELECTRONIC INFORMATION FILING REQUIREMENTS.—Nothing in this section affects any electronic information filing requirements in effect under this title as of the date of enactment of this Act.

(4) DE MINIMUS EXCEPTION.—The Commission may not require entities who have a de minimus market presence to comply with the reporting requirements of this section.

(d) COOPERATION WITH OTHER FEDERAL AGENCIES.—

(1) MEMORANDUM OF UNDERSTANDING.—Not later 180 days after the date of enactment of this Act, the Commission shall conclude a memorandum of understanding with the Commodity Futures Trading Commission and other appropriate agencies (if applicable) relating to information sharing, which shall include provisions—

(A) ensuring that information requests to markets within the respective jurisdiction of each agency are properly coordinated to minimize duplicative information requests; and

(B) regarding the treatment of proprietary trading information.

(2) CFTC JURISDICTION.—Nothing in this section limits or affects the exclusive jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(e) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Commission shall initiate a rulemaking proceeding to establish such rules as the Commission determines to be necessary and appropriate to carry out this section.

By Mr. NELSON of Florida:

S. 1974. A bill to provide States with the resources needed to rid our schools of performance-enhancing drug use; to the Committee on Health, Education, Labor, and Pensions.

Mr. NELSON of Florida. Mr. President, I rise to introduce the Drug Free Varsity Sports Act of 2005. This bill would provide States with the resources they need to rid our schools of steroids and other performance-enhancing drugs.

I believe steroid use doesn't begin at the professional level. I am very concerned about performance-enhancing drug use among young athletes—specifically, high school athletes. Steroid use among high school students is on the rise. It more than doubled among high school students from 1991 to 2003, according to the Centers for Disease Control and Prevention. Furthermore, a study by the University of Michigan shows that the percentage of 12th graders who said they had used steroids some time in their lives rose from 1.9 percent in 1996 to 3.4 percent in 2004. This is unacceptable and a health risk to our children.

Last year, the Polk County School District became the first in Florida to establish random testing for high school athletes, and the Florida House passed a bill that would have made Florida the first State to require steroid testing for high school athletes. That bill stalled in the Senate, but now Florida and other States are considering a similar law. Currently, less than 4 percent of U.S. high schools test athletes for steroids, and no state requires high schools to test athletes. Schools and States say that cost is usually the reason they don't test.

In response, I am introducing this legislation to help States with the resources they need to curb the use of steroids and other performance-enhancing drugs. My legislation would provide Federal grants directly to States so that they can develop and implement performance-enhancing drug testing programs.

The Drug Free Varsity Sports Act of 2005 would authorize $20 million in grants to States to create statewide pilot drug testing programs for performance-enhancing drugs. States that receive the grants would be required to incorporate recovery, counseling, and treatment programs for those students who test positive for performance-enhancing drugs.

Stopping the use of performance-enhancing drugs goes beyond testing. That is why my legislation also would require States that receive grants to allocate no less than 10 percent of the funding to establish statewide policies to discourage steroid use, through educational or other related means.

In addition, at a recent Senate Commerce Committee hearing on this issue, I called on all of the heads of the major professional sports leagues and their unions to begin a major, multisport, national advertising campaign. This campaign should be paid for by the leagues and their players, and directed at young people. It should focus on discouraging the use of performance-enhancing drugs. We must get the message out about the dangers of these drugs, and who better to send that message to young people than the leagues they watch and the players they idolize?

There is no simple solution to the issue of steroids in sports. Congress can do its part by enacting the Drug Free Varsity Sports Act of 2005. But the sports leagues, their players, coaches, and parents all must play an active role.

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

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

S. 1974

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Drug Free Varsity Sports Act of 2005''.

SEC. 2. PILOT DRUG-TESTING PROGRAMS FOR PERFORMANCE-ENHANCING DRUGS.

(a) PURPOSE.—The purpose of this section is to supplement the other student drug-testing programs assisted by the Office of Safe and Drug-Free Schools of the Department of Education by establishing, through the Office, a grant program that will allow State educational agencies to test secondary school students for performance-enhancing drug use.

(b) PROGRAM AUTHORIZED.—The Secretary of Education, acting through the Assistant Deputy Secretary of the Office of Safe and Drug-Free Schools, shall award, on a competitive basis, grants to State educational agencies to enable the State educational agencies to develop and carry out statewide pilot programs that test secondary school students for performance-enhancing drug use.

(c) APPLICATION.—A State educational agency that desires to receive a grant under this section shall submit an application to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require.

(d) PRIORITY.—In awarding grants under this section, the Secretary of Education shall give priority to State educational agencies that incorporate community organizations in carrying out the recovery, counseling, and treatment programs described in subsection (e)(1)(B).

(e) USE OF FUNDS.—

(1) DRUG-TESTING PROGRAM FOR PERFORMANCE-ENHANCING DRUGS.—A State educational agency that receives a grant under this section shall use not more than 90 percent of the grant funds to carry out the following:

(A) Implement a drug-testing program for performance-enhancing drugs that is limited to testing secondary school students who meet 1 or more of the following criteria:

(i) The student participates in the school's athletic program.

(ii) The student is engaged in a competitive, extracurricular, school-sponsored activity.

(iii) The student and the student's parent or guardian provides written consent for the student to participate in a voluntary random drug-testing program for performance-enhancing drugs.

(B) Provide recovery, counseling, and treatment programs for secondary school students tested in the program who test positive for performance-enhancing drugs.

(2) PREVENTION.—A State educational agency that receives a grant under this section shall use not less than 10 percent of the grant funds to establish statewide policies that discourage the use of performance-enhancing drugs, through educational or other related means.

(f) REPORT.—For each year of the grant period, a State educational agency that receives a grant under this section shall prepare and submit an annual report to the Assistant Deputy Secretary of the Office of Safe and Drug-Free Schools on the impact of the pilot program, which report shall include—

(1) the number and percentage of students who test positive for performance-enhancing drugs;

(2) the cost of the pilot program; and

(3) a description of any barriers to the pilot program, as well as aspects of the pilot program that were successful.

(g) DEFINITIONS.—In this section, the terms ''State educational agency'' and ''secondary school'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2006.

(2) SEPARATION OF FUNDS.—The Secretary of Education shall keep any funds authorized for this section under paragraph (1) separate from any funds available to the Secretary for other student drug-testing programs.

By Mr. OBAMA:

S. 1975. A bill to prohibit deceptive practices in Federal elections; to the Committee on Rules and Administration.

Mr. OBAMA. Mr. President, today millions of Americans will exercise their most fundamental right under the Constitution the right to vote. As in every election, I hope all eligible Americans go to the polls to exercise this right. Voter participation is fundamental to our democracy, and we must do all we can to encourage those who can to vote.

After seeing what happened over the last two presidential elections, I have some other hopes for this Election Day. I hope all voters who go to the polls find voting machines that work, nonpartisan poll workers who understand the law and enforce it without bias, lines that move smoothly, and ballots that make sense and are easy to understand. I also hope voters go to the polls today with accurate information about what is on the ballot, where they are supposed to vote, and what our Nation's voting laws are.

It might surprise some of you to know, but even in this awesome age of technological advancement and easy access to information, there are folks who will stop at nothing to try to deceive people and keep them away from the polls. These deceptive practices all too often target and exploit vulnerable populations, like minorities, the disabled, or the poor.

Think about the story of the 2004 presidential election when voters in Milwaukee received fliers from the non-existent ''Milwaukee Black Voters League,'' warning that voters risk imprisonment for voting if they were ever found guilty of any offense—even a traffic violation. In that same election, in a county in Ohio, some voters received mailings misinforming voters that anyone registered to vote by the Kerry Campaign or the NAACP would be barred from voting.

Deceptive practices often rely on a few tried and true tricks. Voters are often warned that an unpaid parking ticket will lead to their arrest or that folks with family members who have been convicted of a crime are ineligible to vote. Of course, these warnings have no basis in fact, and they are made with one goal and one goal only to keep Americans away from the polls.

I hope voters who go to the polls today are not victims of such malicious campaigns, but I know hoping is not enough. That is why I am introducing the Deceptive Election Practices and Voter Intimidation Prevention Act of 2005 to provide voters with real protection from deceptive practices that aim to keep them away from the polls on Election Day.

The bill I am introducing today provides the clear statutory language and authority needed to get allegations of deceptive practices investigated. It establishes harsh penalties for those found to have perpetrated them. And the bill seeks to address the real harm of these crimes—voters who are discouraged from voting by misinformation—by establishing a process for reaching out to these misinformed and intimidated voters with accurate and full information so they can cast their votes in time. Perhaps just as important, this bill creates strong penalties for deceptive election acts, so people who commit these crimes suffer more than just a slap on the hand.

This legislation has the support of groups like the NAACP, the Lawyers Committee for Civil Rights Under Law, Common Cause, the Arc of the United States, United Cerebral Palsy, People for the American Way and the National Disability Rights Network.

Deceptive practices and voter intimidation are real problems and demand real solutions like those offered in my bill.

I hope my colleagues will join me and support this bill and work to ensure that all eligible voters have the opportunity to have their votes count.

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

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

S. 1975

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 ''Deceptive Practices and Voter Intimidation Prevention Act of 2005''.

SEC. 2. DECEPTIVE PRACTICES IN ELECTIONS.

(a) CIVIL ACTION.—

(1) IN GENERAL.—Subsection (b) of section 2004 of the Revised Statutes (42 U.S.C. 1971(b)) is amended—

(A) by striking ''No person'' and inserting the following:

''(1) No person''; and

(B) by inserting at the end the following new paragraph:

''(2) No person, whether acting under color of law or otherwise, shall knowingly deceive any other person regarding—

''(A) the time, place, or manner of conducting a general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a territory or possession; or

''(B) the qualifications for or restrictions on voter eligibility for any election described in subparagraph (A).''.

(2) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—Subsection (c) of section 2004 of the Revised Statutes (42 U.S.C. 1971(c)) is amended—

(i) by striking ''Whenever any person'' and inserting the following:

''(1) Whenever any person''; and

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

''(2) Any person aggrieved by a violation of subsection (b)(2) may institute a civil action or other proper proceeding for preventive relief, including an application in a United States district court for a permanent or temporary injunction, restraining order, or other order.''.

(B) CONFORMING AMENDMENTS.—

(i) Subsection (e) of section 2004 of the Revised Statutes (42 U.S.C. 1971(e)) is amended by striking ''subsection (c)'' and inserting ''subsection (c)(1)''.

(ii) Subsection (g) of section 2004 of the Revised Statutes (42 U.S.C. 1971(g)) is amended by striking ''subsection (c)'' and inserting ''subsection (c)(1)''.

(b) CRIMINAL PENALTY.—Section 594 of title 18, United States Code, is amended—

(1) by striking ''Whoever'' and inserting the following:

''(a) INTIMIDATION.—Whoever''; and

(2) by adding at the end the following:

''(b) DECEPTIVE ACTS.—

''(1) PROHIBITION.—

''(A) IN GENERAL.—It shall be unlawful for any person to knowingly deceive another person regarding the time, place, or manner of an election described in subparagraph (B), or the qualifications for or restrictions on voter eligibility for any such election, with the intent to prevent such person from exercising the right to vote in such election.

''(B) ELECTION.—An election described in this subparagraph is any general, primary, run-off, or special election for the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, Delegate of the District of Columbia, or Resident Commissioner.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined not more than $100,000, imprisoned not more than 1 year, or both.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. REPORTING FALSE ELECTION INFORMATION.

(a) IN GENERAL.—Any person may report to the Assistant Attorney General of the Civil Rights Division of the Department of Justice, or the designee of such Assistant Attorney General, any act of deception regarding—

(1) the time, place, or manner of conducting a general, primary, run-off, or special election for Federal office; or

(2) the qualifications for or restrictions on voter eligibility for any general, primary, run-off, or special election for Federal office.

(b) CORRECTIVE ACTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 48 hours after receiving a report under subsection (a), the Assistant Attorney General shall investigate such report and, if the Assistant Attorney General determines that an act of deception described in subsection (a) occurred, shall—

(A) undertake all effective measures necessary to provide correct information to voters affected by the deception, and

(B) refer the matter to the appropriate Federal and State authorities for criminal prosecution.

(2) REPORTS WITHIN 72 HOURS OF AN ELECTION.—If a report under subsection (a) is received within 72 hours before the election described in such subsection, the Assistant Attorney General shall immediately investigate such report and, if the Assistant Attorney General determines that an act of deception described in subsection (a) occurred, shall immediately undertake all effective measures necessary to provide correct information to voters affected by the deception.

(3) REGULATIONS.—

(A) IN GENERAL.—The Attorney General shall promulgate regulations regarding the methods and means of corrective actions to be taken under paragraphs (1) and (2). Such regulations shall be developed in consultation with the Election Assistance Commission, civil rights organizations, voting rights groups, State election officials, voter protection groups, and other interested community organizations.

(B) STUDY.—

(i) IN GENERAL.—The Attorney General, in consultation with the Federal Communications Commission and the Election Assistance Commission, shall conduct a study on the feasibility of providing the corrective information under paragraphs (1) and (2) through public service announcements, the emergency alert system, or other forms of public broadcast.

(ii) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report detailing the results of the study conducted under clause (i).

(c) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after any primary, general, or run-off election for Federal office, the Attorney General shall submit to the appropriate committees of Congress a report compiling and detailing any allegations of deceptive practices submitted pursuant to subsection (a) and relating to such election.

(2) CONTENTS.—

(A) IN GENERAL.—Each report submitted under paragraph (1) shall include—

(i) detailed information on specific allegations of deceptive tactics;

(ii) any corrective actions taken in response to such allegations;

(iii) the effectiveness of any such corrective actions;

(iv) any suit instituted under section 2004(b)(2) of the Revised Statutes (42 U.S.C. 1971(b)(2)) in connection with such allegations;

(v) statistical compilations of how many allegations were made and of what type;

(vi) the geographic locations of and the populations affected by the alleged deceptive information; and

(vii) the status of the investigations of such allegations.

(B) EXCEPTION.—The Attorney General may withhold any information that the Attorney General determines would unduly interfere with an on-going investigation.

(3) REPORT MADE PUBLIC.—The Attorney General shall make the report required under paragraph (1) publicly available through the Internet and other appropriate means.

(d) FEDERAL OFFICE.—For purposes of this section, the term ''Federal office'' means the office of President, Vice President, presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Commissioner from a territory or possession of the United States.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this section.

By Mr. FEINGOLD (for himself and Mr. KYL):

S. 1976. A bill to make amendments to the Iran Nonproliferation Act of 2000; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, I rise today to express my deep concern about the almost daily series of alarming developments in Iran and Syria. Both are state sponsors of terrorism. Both have worked to undermine our rebuilding efforts in Iraq. Tehran and Damascus both have a history of refusing to comply with global nonproliferation standards, and experts routinely cite disturbing trends that suggest these governments are aggressively pursuing programs to develop weapons of mass destruction. Iran clearly has the intention to develop nuclear weapons and is well on its way to doing so. It has been belligerent and dishonest in its dealings with the International Atomic Energy Agency and our European partners who are negotiating with Tehran. This led to the historic vote on September 24 of this year, when the IAEA Board of Governors found that Iran had breached its obligations under the Nuclear Non-Proliferation Treaty and noted Iran's policy of concealing its nuclear work and facilities. What was Tehran's response to the international community? More defiance and the outrageous comments by Iranian President Mahmoud Ahmadinejad calling for Israel to be ''wiped off the map.''

Since coming into office, this administration has mostly allowed these problems with Iran and Syria to fester while its focus was elsewhere. It has paid only intermittent attention when crises flare up and has not formulated a long-term and comprehensive strategy for dealing with the proliferation threat presented by these regimes. The situation has deteriorated to such an extent—with the rapid nuclear developments in Iran, the increasing proliferation risk that it and Syria pose, the undermining of our work in Iraq, and the extreme statements and actions recently taken by both Tehran and Damascus—that we must take immediate action.

Congress took action to augment the U.S. nonproliferation regime in 2000 when it overwhelmingly passed the Iran Nonproliferation Act, INA, in response to repeated transfers of ballistic missile technology and know-how from Russia and other countries to Iran. Known and suspected assistance from Russia, China, and Pakistan has also helped Iran make progress in its nuclear program. I believe that the 2000 legislation has winnowed the pool of transgressors by highlighting the most egregious among them; however, determined governments, industries, and individuals continue to find it a worthwhile risk to trade in goods and technology that can contribute to an Iranian WMD program. Clearly, it is time to strengthen the INA to prevent these transactions. A more robust INA can also serve as a model for curbing proliferation involving other countries—starting with Syria, whose policies may still be influenced by such determined and effective measures.

Congress is on the cusp of adopting some important changes to the INA with S. 1713. If enacted, the reporting and sanctions provisions of the statute would also apply to transactions involving Syria. In addition, the law would also target exports of WMD and missile technology from these two countries. The revamped Iran and Syria Nonproliferation Act, ISNA, would be a positive step. However, we must do more.

Today, I along with my colleague from Arizona, Mr. KYL, introduce the Iran Nonproliferation Enhancement Act of 2005. This bill would intensify and broaden the sanctions provisions in the INA. First, it requires mandatory sanctions for violators, an approach that Congress favored overwhelmingly when it passed the Iran Missile Proliferation Sanctions Act of 1997. Second, it requires a more detailed justification from the President if he chooses to exercise a national security waiver. Third, it introduces requirements that make parent companies subject to INA sanctions, in addition to their proliferator subsidiaries. And fourth, it expands the list of sanctions to include prohibitions on U.S. investment, financing, and financial assistance for proliferators, in addition to the current arms and dual use export prohibitions.

The current sanctions mechanism is too weak. Under the INA, sanctions are authorized rather than required. Since 2000, the administration has chosen to impose INA sanctions on foreign companies or individuals on 65 occasions, with some entities having been sanctioned several times. The State Department has not revealed in unclassified form how many entities were reported but not sanctioned and why they were not sanctioned.

If we accept that a successful Iranian or Syrian WMD program poses a major threat, then we must get serious about our sanctions and make them mandatory. Our bill does just that. Making sanctions mandatory has precedents. As I previously noted, Congress overwhelmingly approved mandatory sanctions against foreign persons and entities engaged in missile proliferation to Iran as part of the Iran Missile Proliferation Sanctions Act of 1997. President Clinton vetoed the bill, however, largely because at that time his administration was engaged in negotiations with Russia over export controls. The sense was that the newly formed government needed time to develop its controls over Russian business. In the end, the administration exercised its Executive order authority to impose broad sanctions on several Russian companies. However, we must let the international community know that the threat from proliferation is great and that export controls must be in place and enforced. Making sanctions mandatory sends that message.

Furthermore, nonproliferation legislation should ensure that national security waivers are issued only under the most compelling of circumstances. The current national security waiver is too broad, and the administration can simply classify the reason for the waiver in order to remove almost all scrutiny. The message sent to those assisting Iran and Syria with WMD development is that, even if the United States catches them, there is only a small chance that we will actually do anything about it. There are legitimate reasons for classifying parts of these responses and that is why our bill allows the administration to submit part of the waiver explanation in a classified annex. However, our bill requires the Administration to provide more detailed explanations for such waivers and an explanation of why a justification is classified.

Currently, the INA sanctions restrict only U.S. arms and dual-use exports to violators, and an Executive order authorizes some additional restrictions. Our bill will ensure that all the significant tools in our sanctions arsenal are brought to bear on proliferators. It broadens INA sanctions to also include prohibitions on U.S. investment, financing, and financial assistance for violators, and if S. 1713 is enacted, also ban their imports into the United States. In an example identified by the Wisconsin Project on Nuclear Arms Control, China National Aero-Technology Import Export Corporation, CATIC, which was sanctioned under the INA in 2002 and 2004, has subsidiaries that export to the U.S. Under our bill, the investment sanction would prevent U.S. companies from making new capital investments in CATIC factories. It would also forbid the purchase by U.S. persons of shares of CATIC Shenzhen Holdings and CATIC International Holdings, two CATIC-controlled companies that are listed on the Hong Kong Stock Exchange. The new import ban would block the sale of CATIC products in the United States, cutting off an important source of revenue. Put simply, this bill would make it clear for companies like CATIC that they must make a choice—profit from their dealings with the vast U.S. market or continue to assist Iran or Syria with their WMD and missile programs. It is long past due that companies make such a choice.

Under the INA, parent companies can continue to do business with the U.S. and profit from our economy, even if their subsidiaries openly assist Iran with missile and WMD-related activities. Our bill attempts to end this aberration by expanding the scope of the sanctions to include the parent companies. The Wisconsin Project has identified serial proliferators who have flouted U.S. law because they know they cannot be touched by the current INA. China Aerospace Science and Technology Corporation, CASC, for example, has had three subsidiaries sanctioned—two of them repeatedly—for missile technology transfers to Iran. Meanwhile, CASC is marketing its commercial satellite launch program in our country. This amendment would force CASC to choose between selling missile technology to Iran and the business potential in future U.S. satellite launches. The bill's ban on investment would also affect the subsidiaries CASC has listed on the Hong Kong Stock Exchange. Similarly, the Chinese oil giant Sinopec has been selling glass-lined vessels useful for making poison gas to Iran through its subsidiaries. While INA sanctions were imposed on one of its subsidiaries, however, Sinopec remained free to raise billions of dollars on the New York Stock Exchange and even receive U.S. technology and U.S. foreign aid. This is absurd, and will no longer be possible if our bill becomes law.

In conclusion, I want to emphasize the urgency of this matter. The intelligence community expects that Iran will be able to produce a nuclear weapon within a decade, and the CIA has highlighted concern about Iran's robust missile program. Iran has pursued various methods for enriching uranium and experimented with separating plutonium. Iran's WMD program is making news headlines again, and the IAEA Board of Governors found Iran in noncompliance with the NPT. The Congressional Research Service reported in its review of the INA that Iran's efforts to acquire foreign WMD technology seem to have continued unabated. Similarly, Syria continues to rely on technology and assistance from abroad to develop its ballistic missile program. According to recent unclassified CIA reports, Syria's chemical weapon program also depends on equipment and precursor chemicals it receives from foreign sources.

We need to make a serious effort to inhibit WMD development by Iran and Syria. Strengthening the INA is one concrete way to do that for Iran, and when S. 1713 is enacted, also for Syria. We must make clear to the world that assisting Tehran and Damascus in developing the most dangerous weapons cannot and will not be tolerated. For example, China is a country with which we continue to build closer ties. However, a recent Rand study concluded that although China has improved its export control system on paper, it does not consistently and effectively implement these controls. Russia is also an important partner, but it has continued to provide Iran with nuclear technology. India is another nation with which the United States continues to grow closer, and the President has even committed to helping it with nuclear energy technology. Yet India also has very close ties to Iran. We must make clear to these nations and to the entire world that it is in the best interest of the international community that Iran and Syria do not expand their WMD capabilities. We must also make it crystal clear that if you assist these nations with their quest for weapons, there will be serious consequences for you in your relationship and dealings with the United States. Strengthening the INA as we suggest will make that message clear and further our national security goals.

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

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

S. 1976

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Iran Nonproliferation Enforcement Act of 2005''.

SEC. 2. SANCTIONS APPLICABLE UNDER THE IRAN NONPROLIFERATION ACT OF 2000.

(a) APPLICATION OF CERTAIN MEASURES.—Section 3 of the Iran Nonproliferation Act of 2000 (50 U.S.C. 1701 note) is amended—

(1) by amending subsection (a) to read as follows:

''(a) APPLICATION OF MEASURES.—Subject to sections 4 and 5, the President shall apply, for a period of not less than 2 years, the measures described in subsection (b) with respect to—

''(1) each foreign person identified in a report submitted pursuant to section 2(a);

''(2) all successors, subunits, and subsidiaries of each such foreign person; and

''(3) any entity (if operating as a business enterprise) that owns more than 50 percent of, or controls in fact, any such foreign person and any successors, subunits, and subsidiaries of such entity.'';

(2) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) EXECUTIVE ORDER NO. 12938 PROHIBITIONS.—The measures set forth in subsections (b), (c), and (d) of section 4 of Executive Order 12938.'';

(B) in paragraph (2)—

(i) by striking ''to that foreign person''; and

(ii) by striking ''to that person'';

(C) in paragraph (3), by striking ''to that person''; and

(D) by adding at the end the following new paragraphs:

''(4) INVESTMENT PROHIBITION.—Prohibition of any new investment by a United States person in property, including entities, owned or controlled by—

''(A) that foreign person;

''(B) any entity (if operating as a business enterprise) that owns more than 50 percent of, or controls in fact, such foreign person; or

''(C) any successor, subunit, or subsidiary of such entity.

''(5) FINANCING PROHIBITION.—Prohibition of any approval, financing, or guarantee by a United States person, wherever located, of a transaction by—

''(A) that foreign person;

''(B) any entity (if operating as a business enterprise) that owns more than 50 percent of, or controls in fact, such foreign person; or

''(C) any successor, subunit, or subsidiary of such entity.

''(6) FINANCIAL ASSISTANCE PROHIBITION.—Denial by the United States Government of any credit, credit guarantees, grants, or other financial assistance by any department, agency, or instrumentality of the United States Government to—

''(A) that foreign person;

''(B) any entity (if operating as a business enterprise) that owns more than 50 percent

of, or controls in fact, such foreign person; and

''(C) any successor, subunit, or subsidiary of such entity.''; and

(3) by amending subsection (d) to read as follows:

''(d) PUBLICATION IN FEDERAL REGISTER.—

''(1) IN GENERAL.—The application of measures pursuant to subsection (a) shall be announced by notice published in the Federal Register.

''(2) CONTENT.—Each notice published pursuant to paragraph (1) shall include the name and address (where known) of each person or entity to whom measures have been applied pursuant to subsection (a).''.

(b) NATIONAL SECURITY WAIVER.—Section 4 of such Act is amended to read as follows:

''SEC. 4. WAIVER ON BASIS OF NATIONAL SECURITY.

''(a) IN GENERAL.—The President may waive the imposition of any sanction that would otherwise be required under section 3 on any person or entity 15 days after the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that such waiver is essential to the national security of the United States.

''(b) WRITTEN JUSTIFICATION.—The determination and report of the President under subsection (a) shall include a written justification—

''(1) describing in detail the circumstances and rationale supporting the President's conclusion that the waiver is essential to the national security of the United States; and

''(2) identifying—

''(A) the name and address (where known) of the person or entity to whom the waiver is applied pursuant to subsection (a);

''(B) the specific goods, services, or technologies, the transfer of which would have required the imposition of measures pursuant to section 3 if the President had not invoked the waiver authority under subsection (a); and

''(C) the name and address (where known) of the recipient of such transfer.

''(c) FORM.—The written justification shall be submitted in unclassified form, but may contain a classified annex.''.

By Mr. STEVENS:

S. 1977. A bill to repeal section 5 of the Marine Mammal Protection Act of 1972; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, I come to the floor to introduce this bill, which repeals a provision in the 1977 reauthorization of the Marine Mammal Protection Act of 1972—a provision which unduly restricts our ability to get States on the west coast the petroleum supplies they need.

In the last several weeks, some of our colleagues have participated in press conferences, sent out news releases, and come to the floor to talk about the impact of high energy prices. They have expressed concern about the effect these prices are having on our economy, our consumers, our businesses, and our national security.

I share their concerns. In fact, for over 3 years, I have been urging the Senate to deal with this situation.

It took one of the worst natural disasters in the history of our Nation for many to evaluate our energy policy. While the circumstances are tragic, I am glad our colleagues are taking a closer look at this.

The plan our colleagues now support aims to achieve the right goal, but it offers the wrong solution. Their plan calls for energy independence—a goal which I support. But they tout conservation as the only way to reach this goal. This approach would put us on the wrong course and fail to solve the larger problem.

Our country is in the midst of an energy crisis, and we cannot conserve our way out. To suggest otherwise does a great disservice to all Americans. We don't need a hollow plan, we need results.

We cannot get out of this crisis by blaming Americans—who are just trying to live their lives, run their businesses, and get to and from work—for the situation we are in. This is not solely a consumption problem; much of this crisis stems from misguided policies which have locked up our lands and prevented us from building new refineries.

The only way to become energy independent is through a combination of initiatives. Conservation is one part of the broader solution.

But we also need to develop renewable and alternative sources of energy and invest in nuclear power and we must develop our domestic oil and gas resources which exist on Federal lands.

The end to this crisis lies in the balance between conservation and development. Yes, I believe that Americans need to conserve our energy resources, but this alone won't solve our energy crisis. To suggest it will is to greatly mislead the American public.

We need to get serious about our energy policy.

My good friend and colleague, Senator DOMENICI, has told us we must expand on the Energy bill.

I agree with Senator DOMENICI, and I look forward to working with him on an energy policy for this country that makes sense.

Hurricanes Katrina and Rita exposed a weakness in our domestic production and refining capability, weakness some of us have been warning about for years. All Americans have been hit with higher energy prices in the aftermath of Hurricanes Katrina and Rita.

Some colleagues have expressed concern that this situation was compounded by price gouging. Senator INOUYE and I, along with our colleagues on the Commerce Committee, are evaluating several bills pertaining to that issue. In the coming days, we will be moving forward to address some of those concerns.

In the process of reviewing these concerns, the claims by those on the west coast were of particular interest to me. Due to current restrictions in the MMPA, it is almost impossible for companies to expand their refineries to increase supply. The provision repealed by my bill is currently impacting the largest refinery on the west coast, affecting more than 300,000 gallons of fuel per day.

I introduce this bill to enable us to get petroleum resources to west coast States quickly and urge my colleagues to support this initiative.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 301—COMMEMORATING THE 100TH ANNIVERSARY OF THE NATIONAL AUDUBON SOCIETY

Mr. CHAFEE (for himself, Ms. STABENOW, Ms. SNOWE, Mrs. BOXER, Mr. CARPER, Mr. NELSON of Florida, Mr. MARTINEZ, Mr. JEFFORDS, Mr. KERRY, Mr. FEINGOLD, Mr. DURBIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mrs. CLINTON, Ms. COLLINS, Ms. CANTWELL, Mr. LIEBERMAN, Mr. DEWINE, Mr. CRAPO, Mr. BOND, Ms. LANDRIEU, and Mr. VITTER) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 301

Whereas the welfare of the citizens of the United States is greatly enriched by the purposeful endeavors of individuals and organizations committed to the preservation and protection of our environment, and the enhancement of, and appreciation for, our natural surroundings;

Whereas the National Audubon Society, the Nation's largest bird conservation organization, is celebrating its Centennial year in 2005, having been incorporated on January 5, 1905, by dedicated women and men eager to save from extinction the Great Egret and other bird species killed for their feathers to support the fashion industry;

Whereas it is the intent of the Senate to recognize and pay tribute to the National Audubon Society upon the occasion of its 100th anniversary;

Whereas the founders of the National Audubon Society withstood violence and opposition to organize one of the longest-lived and most successful conservation groups in the United States, dedicated to the protection of birds, other wildlife, and their habitats through advocacy of environmental policy and education based on sound science;

Whereas the dedicated efforts of Audubon volunteers, members, and staff in support of landmark bird protection legislation have aided in the rescue efforts of the following species from the threat of extinction: Bald Eagles, Egrets, Ibis, Herons, Flamingos, Whooping Cranes, Peregrine Falcons, Brown Pelicans, Roseate Spoonbills, Atlantic Puffins, and Condors;

Whereas the National Audubon Society lent critical support to the protection of wildlife habitats through the passage of legislation, such as the Alaska National Interest Lands Conservation Act and the Act popularly known as the Everglades Restoration Act, the identification of 1,800 habitats critical to the survival of bird species through Audubon's Important Bird Areas Program, and the establishment of private bird sanctuaries;

Whereas the National Audubon Society played a critical role in the establishment of the Nation's first wildlife refuge, Florida's Pelican Island, in 1903, and the subsequent protection of Pelican Island and other refuge areas in the National Wildlife Refuge system;

Whereas birds are excellent indicators of environmental health, as impacted by such factors as pollution, climate change, toxins, and habitat loss, as well as our own long-term well being, and it is in our best interest

to heed such indicators, which may ultimately affect human populations; and

Whereas recognizing that the national network of community-based nature centers and chapters, scientific and educational programs, and advocacy of the National Audubon Society, engages millions of people of all ages and backgrounds in positive conservation experiences, and are integral to maintaining the health and beauty of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 100th anniversary of the National Audubon Society;

(2) congratulates the National Audubon Society on this milestone; and

(3) encourages the National Audubon Society to continue its important work to ensure that the next 100 years of conservation are a success.

Mr. CHAFEE. Mr. President, I am pleased to submit a resolution with Senator STABENOW to commemorate the National Audubon Society's Centennial Anniversary. Senators SNOWE, BOXER, CARPER, NELSON (FL), MARTINEZ, JEFFORDS, KERRY, FEINGOLD, DURBIN, FEINSTEIN, SCHUMER, CLINTON, COLLINS, CANTWELL, LIEBERMAN, DEWINE, CRAPO, BOND, LANDRIEU and VITTER have joined us as original cosponsors.

The National Audubon Society was first incorporated in 1905 by a dedicated group of conservationists with the goal of protecting birds such as the Great Egret from the plumage trade. Feathered hats were at the height of fashion in those days, and plume-traders would hunt egrets and other birds as part of a highly profitable business. By raising the awareness of the problem, the men and women who founded the National Audubon Society saved egrets and many other bird species from extinction.

Since that time, Audubon has worked to preserve and protect species and the habitat upon which they depend throughout the United States. The organization has been instrumental in setting aside natural areas as wildlife sanctuaries, and supporting major habitat restoration efforts including ongoing conservation work in the Florida Everglades, San Francisco Bay, and along the Mississippi River. As the U.S. partner in BirdLife International's Important Bird Areas (IBA) Program, Audubon has fostered the stewardship and protection of essential wildlife habitat from coast to coast. Through a science-based process of site identification, monitoring, education and outreach, Audubon's IBA program has laid the groundwork for community-based conservation with over 1,600 sites recognized as ecologically important for bird species. In recent months, Audubon has worked with partners to raise awareness of the plight of the Red Knot, a long-distance migratory bird species in steep decline as the result of the over-harvesting of its food source, habitat destruction and invasive species concerns.

The Senate Resolution we are submitting today recognizes the National Audubon Society's dedication and commitment to protecting wildlife and the Nation's ecological heritage. We commemorate the National Audubon Society on it's 100th anniversary, and wish the organization many more years of success.

SENATE CONCURRENT RESOLUTION 62—DIRECTING THE JOINT COMMITTEE ON THE LIBRARY TO PROCURE A STATUE OF ROSA PARKS FOR PLACEMENT IN THE CAPITOL

Mr. MCCONNELL (for himself and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. PROCUREMENT OF A STATUE OF ROSA PARKS.

The Joint Committee on the Library shall procure a statue of Rosa Parks and cause such statue to be placed in a suitable location in the Capitol, as determined by the Joint Committee on the Library.

SEC. 2. PAYMENT OF EXPENSES.

The expenses incurred by the Joint Committee on the Library in carrying out this concurrent resolution shall be paid out of the miscellaneous items account within the contingency fund of the Senate on vouchers approved by the Joint Committee on the Library and signed by the chairman and vice-chairman of the Joint Committee.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2439. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 2440. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2441. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1042, supra.

SA 2442. Mr. BYRD (for himself, Mr. WARNER, Mr. ENSIGN, Mr. AKAKA, Mr. LAUTENBERG, and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 2443. Mr. ENSIGN proposed an amendment to the bill S. 1042, supra.

SA 2444. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2445. Mr. BROWNBACK (for himself, Mr. INHOFE, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2446. Mr. WARNER (for Mr. LIEBERMAN (for himself and Mr. CORNYN)) proposed an amendment to the bill S. 1042 supra.

SA 2447. Mr. WARNER (for Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS)) proposed an amendment to the bill S. 1042, supra.

SA 2448. Mr. WARNER (for Mr. CONRAD (for himself, Mr. BAUCUS, and Mr. SALAZAR)) proposed an amendment to the bill S. 1042, supra.

SA 2449. Mr. WARNER (for Mr. THUNE) proposed an amendment to the bill S. 1042, supra.

SA 2450. Mr. WARNER (for Mrs. MURRAY) proposed an amendment to the bill S. 1042, supra.

SA 2451. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, supra.

SA 2452. Mr. WARNER (for Mr. NELSON of Nebraska) proposed an amendment to the bill S. 1042, supra.

SA 2453. Mr. WARNER (for Mr. LOTT (for himself, Mr. COCHRAN, and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1042, supra.

SA 2454. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1042, supra.

SA 2455. Mr. WARNER (for Mr. REED (for himself and Mr. ROCKEFELLER)) proposed an amendment to the bill S. 1042, supra.

SA 2456. Mr. WARNER (for Mrs. DOLE) proposed an amendment to the bill S. 1042, supra.

SA 2457. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2458. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1042, supra.

SA 2459. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2460. Mr. WARNER (for Mrs. CLINTON (for herself and Ms. COLLINS)) proposed an amendment to the bill S. 1042, supra.

SA 2461. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, supra.

SA 2462. Mr. WARNER (for Mr. VITTER) proposed an amendment to the bill S. 1042, supra.

SA 2463. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, supra.

SA 2464. Mr. WARNER (for Mr. BAYH) proposed an amendment to the bill S. 1042, supra.

SA 2465. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2466. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill S. 1042, supra.

SA 2467. Mr. WARNER (for Mr. DODD) proposed an amendment to the bill S. 1042, supra.

SA 2468. Mr. WARNER (for Mrs. DOLE) proposed an amendment to the bill S. 1042, supra.

SA 2469. Mr. WARNER (for Mr. CARPER) proposed an amendment to the bill S. 1042, supra.

SA 2470. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1042, supra.

SA 2471. Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill S. 1042, supra.

SA 2472. Mr. VOINOVICH (for Mr. ENZI) proposed an amendment to the bill H.R. 797, to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

SA 2473. Mr. DURBIN (for himself, Mr. CORZINE, and Ms LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2439. Mr. INHOFE submitted an amendment intended to be proposed by

him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. AMERICAN FORCES NETWORK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The mission of the American Forces Radio and Television Service (AFRTS) and its American Forces Network (AFN), a worldwide radio and television broadcast network, is to deliver command information by providing United States military commanders overseas and at sea with a broadcast media that effectively communicates information to personnel under their commands, including information from the Department of Defense, information from the Armed Forces, and information unique to the theater and localities in which such personnel are stationed or deployed.

(2) The American Forces Radio and Television Service and the American Forces Network provide a ‘‘touch of home’’ to members of the Armed Forces, civilian employees of the Department of Defense, and their families stationed at bases and at embassies and consulates in more than 179 countries, as well as Navy, Coast Guard, and Military Sealift Command ships at sea, by providing the same type and quality of radio and television programming (including news, information, sports, and entertainment) that would be available in the continental United States. Additionally, the American Forces Network plays an important role in enabling military commanders to disseminate official information to members of the Armed Forces and their families, thus making popularity and acceptance key factors in ensuring effective communication.

(3) It is American Forces Radio and Television Service and American Forces Network policy that, except for the Pentagon Channel service, programming is acquired from distributors of the most popular television program airing in the continental United States. Much of the programming is provided at no cost to the United States Government. The remainder of the programming is provided at less-than-market rates to cover distributors' costs and obligations. Depending on the audience segment or demographic targeted, programs that perform well are acquired and scheduled to maximize audiences for internal and command information exposure.

(4) American Forces Radio and Television Service and American Forces Network select programming that represents a cross-section of popular American radio and television, tailored toward the worldwide audience of the American Forces Radio and Television Service and the American Forces Network. Schedules emulate programming practices in the United States, and programs are aired in accordance with network broadcast standards. Specifically, policy on programming seeks—

(A) to provide balance and diversity;

(B) to deliver a cross-section of popular programming;

(C) to target appropriate demographics; and

(D) to maintain network broadcast standards.

(5) The ‘‘Voice Channel’’, or radio programming, of the American Forces Radio and Television Service and American Forces Network is chosen to address requirements specified by the military broadcasting services and the detachment commanders of their affiliate radio stations. American Forces Network Radio makes a best faith effort to obtain the top-rated program of its sort at the time of selection, at no cost to the United States Government. American Forces Network Radio usually retains a scheduled program until it is no longer produced, too few American Forces Network affiliates choose to schedule the program locally, or a similar program so thoroughly dominates its audience in the United States that the American Forces Radio and Television Service switches to this program to offer the higher rated show to the overseas audience.

(6) American Forces Network Radio personnel review the major trade publications to monitor announcements of new programs, follow the ratings of established programs, and keep aware of programming trends. When a program addressing a need identified by a Military Broadcasting Service or an American Forces Network affiliate becomes available to the American Forces Network, or a program seems especially worthy of consideration, American Forces Network Radio informs the affiliates and supplies samples to gauge affiliate interest. If affiliates commit to broadcasting the new show, American Forces Network Radio seeks to schedule it.

(7) The managers of the American Forces Radio and Television Service continually update their programming options and, in November 2005, decided to include additional programs that meet the criteria that American Forces Radio and Television Service managers apply to such decisions, and that, consistent with American Forces Radio and Television Service and American Forces Network procedures, local programmers at 33 locations around the globe decide which programs actually are broadcast. American Forces Radio and Television Service have consistently sought to provide a broad, high quality range of choices for local station managers.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the men and women of the American Forces Radio and Television Service and the Armed Forces Network should be commended for providing a vital service to the military community worldwide; and

(2) the programming mission, themes, and practices of the Department of Defense with respect to its television and radio programming have fairly and responsively fulfilled their mission of providing a ‘‘touch of home’’ to members of the Armed Forces and their families around the world and have contributed immeasurably to high morale and quality of life in the Armed Forces.

(c) AUTHORITY TO APPOINT OMBUDSMAN AS INTERMEDIARY.—The Secretary of Defense may appoint an individual to serve as ombudsman of the American Forces Network. Any ombudsman so appointed shall act as an intermediary between the staff of the American Forces Network and the Department of Defense, military commanders, and listeners to the programming of the American Forces Network.

SA 2440. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X of division A, add the following:

SEC. 1073. PRAYER AT MILITARY SERVICE ACADEMY ACTIVITIES.

(a) IN GENERAL.—The superintendent of a service academy may have in effect such policy as the superintendent considers appropriate with respect to the offering of a voluntary, nondenominational prayer at an otherwise authorized activity of the academy, subject to such limitations as the Secretary of Defense may prescribe.

(b) SERVICE ACADEMIES.—For purposes of this section, the term ‘‘service academy'' means any of the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

SA 2441. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in title VI, add the following:

SEC. ___. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by inserting ‘‘or a qualified retiree receiving veterans' disability compensation for a disability rated as total (within the meaning of subsection (e)(3)(B))'' after ‘‘rated as 100 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

SA 2442. Mr. BYRD (for himself, Mr. WARNER, Mr. ENSIGN, Mr. AKAKA, Mr. LAUTENBERG, and Mr. LEVIN) proposed an amendment intended to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. ___. DEPUTY SECRETARY OF DEFENSE FOR MANAGEMENT.

(a) ESTABLISHMENT.—

(1) POSITION AND DUTIES.—

(A) Chapter 4 of title 10, United States Code, is amended—

(i) in section 131(b), by striking paragraph (1) and inserting the following new paragraph:

‘‘(1) Two Deputy Secretaries of Defense, as follows:

‘‘(A) The Deputy Secretary of Defense.

‘‘(B) The Deputy Secretary of Defense for Management.''; and

(ii) by inserting after section 132 the following new section 132a:

‘‘§ 132a. Deputy Secretary of Defense for Management

‘‘(a) ESTABLISHMENT.—(1) There is a Deputy Secretary of Defense for Management, appointed from civilian life by the President,

by and with the advice and consent of the Senate, from among persons who have—

''(A) extensive executive level experience in leadership and management in the public or private sector;

''(B) substantial experience in the reform of accounting or financial management systems in large organizations;

''(C) a demonstrated ability to manage large and complex organizations; and

''(D) a record of achieving positive operational results.

''(2) A person may not be appointed as Deputy Secretary of Defense for Management within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

''(3) The Deputy Secretary of Defense for Management shall serve for a term of seven years.

''(b) GENERAL AUTHORITY.—(1) The Deputy Secretary of Defense for Management—

''(A) serves as the Chief Management Officer of the Department of Defense;

''(B) is the principal adviser to the Secretary of Defense on matters relating to the management of the Department of Defense, including defense business activities, to ensure departmentwide capability to carry out the strategic plan of the Department of Defense in support of national security objectives; and

''(C) performs such additional duties and exercises such other powers as the Secretary may prescribe.

''(2) The Deputy Secretary of Defense for Management takes precedence in the Department of Defense immediately after the Deputy Secretary of Defense.

''(3)(A) The Deputy Secretary of Defense for Management shall act for, and exercise the powers of, the Secretary of Defense when—

''(i) the Secretary is disabled or there is no Secretary of Defense; and

''(ii) the Deputy Secretary of Defense is disabled or there is no Deputy Secretary of Defense.

''(B) The Deputy Secretary of Defense for Management shall act for, and exercise the powers of, the Deputy Secretary of Defense when the Deputy Secretary is disabled or there is no Deputy Secretary of Defense.

''(c) MANAGEMENT DUTIES.—To support the economical, efficient, and effective execution of the national defense objectives, policies, and plans of the Department of Defense, the Deputy Secretary of Defense for Management shall be responsible to the Secretary of Defense for the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of Defense that relate to performance of the following functions:

''(1) Planning and budgeting, including performance measurement.

''(2) Acquisition.

''(3) Logistics.

''(4) Facilities, installations, and environment.

''(5) Financial management.

''(6) Human resources and personnel.

''(7) Management of information resources, including information technology, networks, and telecommunications functions.

''(d) DEFENSE BUSINESS REFORM.—For the functions specified in subsection (c), the Deputy Secretary of Defense for Management shall—

''(1) develop and maintain a departmentwide management strategic plan for business reform, and identify key initiatives to be undertaken by the Department and its components, together with related resource needs;

''(2) establish performance goals and measures for improving and evaluating overall economy, efficiency, and effectiveness;

''(3) monitor and measure the progress of the Department of Defense and its components in meeting established performance goals for improving economy, efficiency, and effectiveness; and

''(4) review and approve plans and budgets for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of those plans and budgets with—

''(A) the overall strategic plan and budget of the Department of Defense;

''(B) the strategic plan for business reform of the Department of Defense; and

''(C) achievement of the integration of business activities throughout the Department of Defense.

''(e) DEFENSE BUSINESS SYSTEMS.—(1) In carrying out the duties of the position under this section, the Deputy Secretary of Defense for Management shall oversee the implementation of a defense business systems modernization program including the execution of any funds appropriated for maintaining legacy systems and for modernizing defense business systems.

''(2) The Deputy Secretary of Defense for Management shall—

''(A) oversee the development of, and shall review and approve, all budget requests for defense business systems, including the information to be submitted to Congress under section 2222(h) of this title; and

''(B) subject to the authority, direction, and control of the Secretary of Defense, perform the responsibilities of the Secretary under section 2222 of this title.

''(3) In this subsection, the terms 'defense business system' and 'defense business system modernization' have the meanings given to those terms in section 2222(j) of this title.

''(f) RELATIONSHIP TO OTHER DEFENSE OFFICIALS.—(1) The Deputy Secretary of Defense for Management exercises the authority of the Secretary of Defense in the performance of the duties of the Deputy Secretary under this section, subject to the authority, direction, and control of the Secretary.

''(2) The Secretaries of the military departments and the heads of the other elements of the Department of Defense are subject to the authority, direction, and control of the Deputy Secretary in the performance of their duties with respect to matters within the authority of the Deputy Secretary, and the exercise of that authority by the Deputy Secretary is binding on the military departments and such other elements.

''(g) CONSULTATION WITH OTHER OFFICIALS.—In carrying out the duties of the position under this section, the Deputy Secretary of Defense for Management shall consult on a continuing basis with the Deputy Secretary of Defense, the Secretaries of the military departments, and the Chairman of the Joint Chiefs of Staff—

''(1) to support economical, efficient, and effective performance of the missions of the Department of Defense; and

''(2) to support each of those officials—

''(A) in the implementation of the national defense strategy and the strategic plan of the Department of Defense; and

''(B) in the administration of related programs, plans, operations, and activities.

''(h) PERFORMANCE AND EVALUATION.—(1) The Deputy Secretary of Defense for Management shall enter into an annual performance agreement with the Secretary of Defense each year. The agreement shall set forth measurable individual and organizational goals that are consistent with the goals and measures established under subsection (d) of this section. The agreement shall be available for public disclosure.

''(2) The Secretary of Defense shall evaluate the performance of the Deputy Secretary of Defense for Management each year and shall determine as part of each such evaluation whether the Deputy Secretary has made satisfactory progress toward achieving the goals set out in the performance agreement for that year under paragraph (1).''.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 132 the following new item:

''132a. Deputy Secretary of Defense for Management.''.

(2) EXECUTIVE LEVEL II.—Section 5313 of title 5, United States Code, is amended by inserting after ''Deputy Secretary of Defense'' the following:

''Deputy Secretary of Defense for Management.''.

(b) MEMBERSHIP OF CERTAIN DEPARTMENT OF DEFENSE MANAGEMENT COMMITTEES.—

(1) FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—Section 185(a) of title 10, United States Code, is amended—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (A), (B), (C), (D), and (E) as subparagraphs (B), (C), (D), (E), and (F), respectively;

(ii) by inserting after ''composed of the following:'' the following new subparagraph (A):

''(A) The Deputy Secretary of Defense for Management, who shall be the chairman of the committee.''; and

(iii) in subparagraph (B), as redesignated by clause (i), by striking '', who shall be the chairman of the committee''; and

(B) in paragraph (3), by inserting ''the Deputy Secretary of Defense for Management,'' after ''the Deputy Secretary of Defense,''.

(2) DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.—Section 186 of such title is amended by striking ''Deputy Secretary of Defense'' each place it appears in subsections (a)(1) and (b) and inserting ''Deputy Secretary of Defense for Management''.

(c) ADJUSTMENTS TO DUTIES AND PRECEDENCE OF OTHER OFFICIALS.—

(1) UNDER SECRETARY OF DEFENSE FOR POLICY.—Section 134 of title 10, United States Code, is amended—

(A) in subsection (b)(2), by striking ''Secretary of Defense—'' and inserting ''Secretary of Defense and the Deputy Secretary of Defense—''; and

(B) in subsection (c), by inserting ''the Deputy Secretary of Defense for Management,'' after ''the Deputy Secretary of Defense,''.

(2) UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Section 133(e) of such title is amended—

(A) in paragraph (1), by striking ''and the Deputy Secretary of Defense'' and inserting '', the Deputy Secretary of Defense, and the Deputy Secretary of Defense for Management''; and

(B) in paragraph (2), by inserting ''the Deputy Secretary of Defense for Management,'' after ''the Deputy Secretary of Defense,''.

(3) DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS.—Section 133b(c)(2) of such title is amended by inserting ''the Deputy Secretary of Defense for Management,'' after ''the Deputy Secretary of Defense,''.

(4) DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—Section 139 of such title is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking ''and the Under Secretary of Defense for Acquisition, Technology, and Logistics'' and inserting '', the Deputy Secretary of Defense, the Deputy Secretary of Defense for Management, the Under Secretary of Defense for Acquisition, Technology, and Logistics,''; and

(ii) in paragraph (5), by inserting '', the Deputy Secretary of Defense, and the Deputy Secretary of Defense for Management'' after ''the Secretary of Defense''; and

(B) in subsection (c), by striking ''and the Deputy Secretary of Defense'' in the first sentence and inserting '', the Deputy Secretary of Defense, and the Deputy Secretary of Defense for Management''.

SA 2443. Mr. ENSIGN proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. RIOT CONTROL AGENTS.

(a) RESTATEMENT OF POLICY.—It is the policy of the United States that riot control agents are not chemical weapons and that the president may authorize their use as legitimate, legal, and non-lethal alternatives to the use of force that, as provided in Executive Order 11850 (40 Fed. Reg. 16187) and consistent with the resolution of ratification of the Chemical Weapons convention, may be employed by members of the Armed Forces in war in defensive military modes to save lives, including the illustrative purposes cited in Executive Order 11850.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the use of riot control agents by members of the Armed Forces.

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a description of all regulations, doctrines, training materials, and any other information related to the use of riot control agents by members of the Armed Forces;

(B) a description of the doctrinal publications, training, and other resources provided or available to members of the Armed Forces on an annual basis with regard to the tactical employment of riot control agents;

(C) a description of how the material described in subparagraphs (A) and (B) is consistent with United States policy on the use of riot control agents;

(D) a description of the availability of riot control agents, and the means to employ them, to members of the Armed Forces deployed in Iraq and Afghanistan;

(E) a description of the frequency of use of riot control agents since January 1, 1992, and a summary of views held by military commanders about the utility of the employing riot control agents by members of the Armed Forces;

(F) a general description of steps taken or to be taken by the Department of Defense to clarify the circumstances under which riot control agents may be used by members of the Armed Forces; and

(G) an assessment of the legality of Executive Order 11850, including an explanation why Executive Order 11850 remains valid under United States law.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) CHEMICAL WEAPONS CONVENTION.—The term ''Chemical Weapons Convention'' means the Convention on the Prohibitions of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

(2) RESOLUTION OF RATIFICATION OF THE CHEMICAL WEAPONS CONVENTION.—The term ''resolution of ratification of the Chemical Weapons Convention'' means S. Res. 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Chemical Weapons Convention.

SA 2444. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X of division A, add the following:

SEC. 1073. SENSE OF THE SENATE ON THE EFFECT OF OIL AND GAS EXPLORATION ON MILITARY OPERATIONS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Continued encroachment, land use restrictions, and environmental protections have significantly limited military access to and use of Department of Defense training ranges, operating ranges, and controlled areas and hampered land, air, and sea testing.

(2) While simulators and non-live fire exercises are an important part of military training, there is no adequate substitute for live-fire training using the full range of ordnance available to the Armed Forces.

(3) Approved and controlled areas for realistic and safe live-fire testing and training operations are increasingly limited.

(4) The Department of Defense terminated Navy and Marine Corps live-fire training operations at Vieques Island, Puerto Rico.

(5) The air and sea space within and around the Eastern Gulf of Mexico is a unique and irreplaceable national security asset that provides critical live-fire testing and training opportunities.

(6) Increased oil and gas exploration operations in the waters or beneath the airspace controlled by the Department of Defense could restrict critical live-fire testing and training.

(7) Future weapons systems and advanced technologies with longer ranges at supersonic speeds will require more restricted air, land, and water range space.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) oil and gas exploration operations should not interfere with the testing and training missions of the Department of Defense; and

(2) any determination of range requirements and safety buffers should realistically account for future weapons systems and technologies, including longer range standoff drone technologies.

SA 2445. Mr. BROWNBACK (for himself, Mr. INHOFE, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROTECTION OF CHILDREN AND PARENTAL INVOLVEMENT IN THE PERFORMANCE OF ABORTIONS FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

Section 1093 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(c) PARENTAL NOTICE.—(1) A physician may not use facilities of the Department of Defense to perform an abortion on a pregnant unemancipated minor who is a child of a member of the armed forces unless—

''(A) the physician gives at least 48 hours actual notice, in person or by telephone, of the physician's intent to perform the abortion to—

''(i) the member of the armed forces, or another parent of the minor, if the minor has no managing conservator or guardian; or

''(ii) a court-appointed managing conservator or guardian;

''(B) the judge of an appropriate district court of the United States issues an order authorizing the minor to consent to the abortion as provided by subsection (d) or (e);

''(C) the appropriate district court of the United States by its inaction constructively authorizes the minor to consent to the abortion as provided by subsection (d) or (e); or

''(D) the physician performing the abortion—

''(i) concludes that on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial and irreversible impairment of a major bodily function; and

''(ii) certifies in writing to the appropriate medical official of the Department of Defense, and in the patient's medical record, the medical indications supporting the physician's judgment that the circumstances described by clause (i) exist.

''(2) If a person to whom notice may be given under paragraph (1)(A) cannot be notified after a reasonable effort, a physician may perform an abortion if the physician gives 48 hours constructive notice, by certified mail, restricted delivery, sent to the last known address, to the person to whom notice may be given under that paragraph. The period under this paragraph begins when the notice is mailed. If the person required to be notified is not notified within the 48-hour period, the abortion may proceed even if the notice by mail is not received.

''(3) The requirement that 48 hours actual notice be provided under this subsection may be waived by an affidavit of—

''(A) the member of the armed forces concerned, or another parent of the minor, if the minor has no managing conservator or guardian; or

''(B) a court-appointed managing conservator or guardian.

''(4) A physician may execute for inclusion in the minor's medical record an affidavit stating that, according to the best information and belief of the physician, notice or constructive notice has been provided as required by this subsection. Execution of an affidavit under this paragraph creates a presumption that the requirements of this subsection have been satisfied.

''(5) A certification required by paragraph (1)(D) is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. Personal or identifying information about the minor, including her name, address, or social security number, may not be included in a certification under paragraph (1)(D). The physician must keep the medical records on the minor

in compliance with regulations prescribed by the Secretary of Defense.

''(6) A physician who intentionally performs an abortion on a pregnant unemancipated minor in violation of this subsection commits an offense punishable by a fine not to exceed $10,000.

''(7) It is a defense to prosecution under this subsection that the minor falsely represented her age or identity to the physician to be at least 18 years of age by displaying an apparently valid governmental record of identification such that a reasonable person under similar circumstances would have relied on the representation. The defense does not apply if the physician is shown to have had independent knowledge of the minor's actual age or identity or failed to use due diligence in determining the minor's age or identity.

''(d) JUDICIAL APPROVAL.—(1) A pregnant unemancipated minor who is a child of a member of the armed forces and who wishes to have an abortion using facilities of the Department of Defense without notification to the member of the armed forces, another parent, her managing conservator, or her guardian may file an application for a court order authorizing the minor to consent to the performance of an abortion without notification to either of her parents or a managing conservator or guardian.

''(2) Any application under this subsection may be filed in any appropriate district court of the United States. In the case of a minor who elects not to travel to the United States in pursuit of an order authorizing the abortion, the court may conduct the proceedings in the case of such application by telephone.

''(3) An application under this subsection shall be made under oath and include—

''(A) a statement that the minor is pregnant;

''(B) a statement that the minor is unmarried, is under 18 years of age, and has not had her disabilities removed;

''(C) a statement that the minor wishes to have an abortion without the notification of either of her parents or a managing conservator or guardian; and

''(D) a statement as to whether the minor has retained an attorney and, if she has retained an attorney, the name, address, and telephone number of her attorney.

''(4) The court shall appoint a guardian ad litem for the minor. If the minor has not retained an attorney, the court shall appoint an attorney to represent the minor. If the guardian ad litem is an attorney, the court may appoint the guardian ad litem to serve as the minor's attorney.

''(5) The court may appoint to serve as guardian ad litem for a minor—

''(A) a psychiatrist or an individual licensed or certified as a psychologist;

''(B) a member of the clergy;

''(C) a grandparent or an adult brother, sister, aunt, or uncle of the minor; or

''(D) another appropriate person selected by the court.

''(6) The court shall determine within 48 hours after the application is filed whether the minor is mature and sufficiently well-informed to make the decision to have an abortion performed without notification to either of her parents or a managing conservator or guardian, whether notification would not be in the best interest of the minor, or whether notification may lead to physical, sexual, or emotional abuse of the minor. If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to physical, sexual, or emotional abuse of the minor, the court shall enter an order authorizing the minor to consent to the performance of the abortion without notification to either of her parents or a managing conservator or guardian and shall execute the required forms.

''(7) If the court fails to rule on the application within the period specified in paragraph (6), the application shall be deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under subsection (c).

''(8) If the court finds that the minor does not meet the requirements of paragraph (6), the court may not authorize the minor to consent to an abortion without the notification authorized under subsection (c)(1).

''(9) The court may not notify a parent, managing conservator, or guardian that the minor is pregnant or that the minor wants to have an abortion. The court proceedings shall be conducted in a manner that protects the anonymity of the minor. The application and all other court documents pertaining to the proceedings are confidential and privileged and are not subject to disclosure, discovery, subpoena, or other legal process. The minor may file the application using a pseudonym or using only her initials.

''(10) An order of the court issued under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The order may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the order by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

''(11) A filing fee is not required of and court costs may not be assessed against a minor filing an application under this subsection.

''(e) APPEAL.—(1) A minor whose application under subsection (d) is denied may appeal to the court of appeals of the United States having jurisdiction of the district court of the United States that denied the application. If the court of appeals fails to rule on the appeal within 48 hours after the appeal is filed, the appeal shall be deemed to be granted and the physician may perform the abortion using facilities of the Department of Defense as if the court had issued an order authorizing the minor to consent to the performance of the abortion using facilities of the Department of Defense without notification under subsection (c). Proceedings under this subsection shall be given precedence over other pending matters to the extent necessary to assure that the court reaches a decision promptly.

''(2) A ruling of the court of appeals under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The ruling may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the ruling by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

''(3) A filing fee is not required of and court costs may not be assessed against a minor filing an appeal under this subsection.

''(f) DEFINITIONS.—In this section:

''(1) The term 'abortion' means the use of any means at a medical facility of the Department of Defense to terminate the pregnancy of a female known by an attending physician to be pregnant, with the intention that the termination of the pregnancy by those means will with reasonable likelihood cause the death of the fetus. The term applies only to an unemancipated minor known by an attending physician to be pregnant and may not be construed to limit a minor's access to contraceptives.

''(2) The term 'appropriate district court of the United States' means—

''(A) with respect to a proposed abortion at a particular Department of Defense medical facility in the United States or its territories, the district court of the United States having proper venue in relation to that facility; or

''(B) if the minor is seeking an abortion at a particular Department of Defense facility outside the United States or its territories—

''(i) if the minor elects to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States having proper venue in the district in which the minor first arrives from outside the United States; or

''(ii) if the minor elects not to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States for the district in which the minor last resided.

''(3) The term 'fetus' means an individual human organism from fertilization until birth.

''(4) The term 'guardian' means a court-appointed guardian of the person of the minor.

''(5) The term 'physician' means an individual licensed to practice medicine.

''(6) The term 'unemancipated minor' includes a minor who is not a member of the armed forces and who—

''(A) is unmarried; and

''(B) has not had any disabilities of minority removed.''.

SA 2446. Mr. WARNER (for Mr. LIEBERMAN (for himself and Mr. CORNYN)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF DEFENSE SCIENCE BOARD TASK FORCE ON HIGH PERFORMANCE MICROCHIP SUPPLY.

(a) REPORT REQUIRED.—Not later than March 15, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the recommendations of the Defense Science Board Task Force on High Performance Microchip Supply.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of each finding of the Task Force.

(2) A detailed description of the response of the Department of Defense to each recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement the recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of the recommendation; and

(B) For each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement the recommendation; and

(ii) a summary of alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(3) A summary of any additional actions the Secretary plan to take to address concerns raised by the Task Force.

(c) CONSULTATION.—To the extent practicable, the Secretary may consult with other departments and agencies of the Federal Government, institutions of higher education and other academic organizations, and industry in the development of the report required by subsection (a).

SA 2447. Mr. WARNER (for Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 66, after line 22, insert the following:

SEC. 330. SENSE OF THE SENATE REGARDING DEPOT MAINTENANCE.

(a) FINDINGS.—The Senate finds that—

(1) the Depot Maintenance Strategy and Master Plan of the Air Force reflects the essential requirements for the Air Force to maintain a ready and controlled source of organic technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements;

(2) since the publication of the Depot Maintenance Strategy and Master Plan of the Air Force in 2002, the service has made great progress toward modernizing all 3 of its Depots, in order to maintain their status as ''world class'' maintenance repair and overhaul operations;

(3) One of the indispensable components of the Depot Maintenance Strategy and Master Plan of the Air Force is the commitment of the Air Force to allocate $150,000,000 a year over 6 years, beginning in fiscal year 2004, for recapitalization and investment, including the procurement of technologically advanced facilities and equipment, of our Nation's 3 Air Force depots; and

(4) the funds expended to date have ensured that transformation projects, such as the initial implementation of ''Lean'' and ''Six Sigma'' production techniques, have achieved great success in reducing the time necessary to perform depot maintenance on aircraft.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Air Force should be commended for the implementation of its Depot Maintenance Strategy and Master Plan and, in particular, meeting its commitment to invest $150,000,000 a year over 6 years, since fiscal year 2004, in the Nation's 3 Air Force Depots; and

(2) the Air Force should continue to fully fund its commitment of $150,000,000 a year through fiscal year 2009 in investments and recapitalization projects pursuant to the Depot Maintenance Strategy and Master Plan.

SA 2448. Mr. WARNER (for Mr. CONRAD (for himself, Mr. BAUCUS, and Mr. SALAZAR)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. POLICY OF THE UNITED STATES ON THE INTERCONTINENTAL BALLISTIC MISSILE FORCE.

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

(1) Consistent with warhead levels agreed to in the Moscow Treaty, the United States is modifying the capacity of the Minuteman III intercontinental ballistic missile (ICBM) from its prior capability to carry up to 3 independent reentry vehicles (RVs) to carry as few as a single reentry vehicle, a process known as downloading.

(2) A series of Department of Defense studies of United States strategic forces, including the 2001 Nuclear Posture Review, has confirmed the continued need for 500 intercontinental ballistic missiles.

(3) In a potential nuclear crisis it is important that the nuclear weapons systems of the United States be configured so as to discourage other nations from making a first strike.

(4) The intercontinental ballistic missile force is currently being considered as part of the deliberations of the Department of Defense for the Quadrennial Defense Review.

(b) STATEMENT OF UNITED STATES POLICY.—It is the policy of the United States to continue to deploy a force of 500 intercontinental ballistic missiles, provided that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.

(c) MOSCOW TREATY DEFINED.—In this section, the term ''Moscow Treaty'' means the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, done at Moscow on May 24, 2002.

SA 2449. Mr. WARNER (for Mr. THUNE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON USE OF SPACE RADAR FOR TOPOGRAPHICAL MAPPING FOR SCIENTIFIC AND CIVIL PURPOSES.

(a) IN GENERAL.—Not later than January 15, 2006, the Secretary of Defense shall submit to the congressional defense committees on report on the feasability and advisability of utilizing the Space Radar for purposes of providing coastal zone and other topographical mapping information, and related information, to the scientific community and other elements of the private sector for scientific and civil purposes.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and evaluation of any uses of the Space Radar for scientific or civil purposes that are identified by the Secretary for purposes of the report.

(2) A description and evaluation of any additions or modifications to the Space Radar identified by the Secretary for purposes of the report that would increase the utility of the Space Radar to the scientific community or other elements of the private sector for scientific or civil purposes, including the utilization of additional frequencies, the development or enhancement of ground systems, and the enhancement of operations.

(3) A description of the costs of any additions or modifications identified pursuant to paragraph (2).

(4) A description and evaluation of processes to be utilized to determine the means of modifying the Space Radar in order to meet the needs of the scientific community or other elements of the private sector with respect to the use of the Space Radar for scientific or civil purposes, and a proposal for meeting the costs of such modifications.

(5) A description and evaluation of the impacts, if any, on the primary missions of the Space Radar, and on the development of the Space Radar, of the use of the Space Radar for scientific or civil purposes.

(6) A description of the process for developing requirements for the Space Radar, including the involvement of the Civil Applications Committee.

SA 2450. Mr. WARNER (for Mrs. MURRAY) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In the section heading of section 582, insert ''**OR DECREASES**'' after ''**INCREASES**''.

In section 582(a), insert ''or decrease'' after ''overall increase''.

In the matter preceding subparagraph (A) of section 582(b)(2), insert ''or decrease'' after ''overall increase''.

In section 582(b)(2)(B), strike ''; or'' and insert a semicolon.

In section 582(b)(2)(C), strike the period at the end and insert ''; or''.

In section 528(b)(2), add at the end the following:

(D) a change in the number of housing units on a military installation,

In section 582(d)(1), insert ''or decrease'' after ''overall increase''.

SA 2451. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title V, add the following:

SEC. 585. PILOT PROJECTS ON PEDIATRIC EARLY LITERACY AMONG CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) PILOT PROJECTS AUTHORIZED.—The Secretary of Defense may conduct pilot projects to assess the feasibility, advisability, and utility of encouraging pediatric literacy among the children of members of the Armed Forces utilizing the Reach Out and Read model of pediatric early literacy.

(b) LOCATIONS.—

(1) IN GENERAL.—The pilot projects conducted under subsection (a) shall be conducted at not more than 20 military medical treatment facilities designated by the Secretary for purposes of this section.

(2) CO-LOCATION WITH CERTAIN INSTALLATIONS.—In designating military medical treatment facilities under paragraph (1), the Secretary shall, to the extent practicable, designate facilities that are located on, or co-located with, military installations at which the mobilization or demobilization of members of the Armed Forces occurs.

(c) ACTIVITIES.—Activities under the pilot projects conducted under subsection (a) shall include activities in accordance with the Reach Out and Read model of pediatric early literacy as follows:

(1) The provision of training to health care providers and other appropriate personnel on early literacy promotion.

(2) The purchase and distribution of children's books to members of the Armed Forces, their spouses, and their children.

(3) The modification of treatment facility and clinic waiting rooms to include a full selection of literature for children.

(4) The dissemination to members of the Armed Forces and their spouses of parent education materials on pediatric early literacy.

(5) Such other activities as the Secretary considers appropriate.

(d) CONSULTATION.—The Secretary shall consult with the Reach Out and Read National Center in the development and implementation of the pilot projects conducted under this section, including in the designation of locations of the pilot projects under subsection (b).

(e) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2007, the Secretary shall submit to the congressional defense committees a report on the pilot projects conducted under this section.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of the pilot projects conducted under this section, including the location of each pilot project and the activities conducted under each pilot project; and

(B) an assessment of the feasibility, advisability, and utility of encouraging pediatric early literacy among the children of members of the Armed Forces utilizing the Reach Out and Read model of pediatric early literacy.

(f) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, up to $2,000,000 may be available for the pilot projects authorized by this section.

(2) AVAILABILITY.—The amount available under paragraph (1) shall remain available until expended.

SA 2452. Mr. WARNER (for Mr. NELSON of Nebraska) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle F of title V, add the following:

SEC. 573. UNIFORM POLICY ON PARENTAL LEAVE AND SIMILAR LEAVE.

(a) POLICY REQUIRED.—The Secretary of Defense shall prescribe in regulations a uniform policy for the taking by members of the Armed Forces of parental leave to cover leave to be used in connection with births or adoptions, as the Secretary shall designate under the policy.

(b) UNIFORMITY ACROSS ARMED FORCES.—The policy prescribed under subsection (a) shall apply uniformly across the Armed Forces.

SA 2453. Mr. WARNER (for Mr. LOTT (for himself, Mr. COCHRAN, and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title II, add the following:

SEC. 224. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(5) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense, $80,000,000 may be available for coproduction of the Arrow ballistic missile defense system.

SA 2454. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 807. ACQUISITION STRATEGY FOR COMMERCIAL SATELLITE COMMUNICATION SERVICES.

(a) REQUIREMENT FOR SPEND ANALYSIS.—The Secretary of Defense shall, as a part of the effort of the Department of Defense to develop a revised strategy for acquiring commercial satellite communication services, perform a complete spend analysis of the past and current acquisitions by the Department of commercial satellite communication services.

(b) REPORT ON ACQUISITION STRATEGY.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the acquisition strategy of the Department of Defense for commercial satellite communications services.

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

(A) A description of the spend analysis required by subsection (a), including the results of the analysis.

(B) The proposed strategy of the Department for acquiring commercial satellite communication services, which strategy shall—

(i) be based in appropriate part on the results of the analysis required by subsection (a); and

(ii) take into account various methods of aggregating purchases and leveraging the purchasing power of the Department, including through the use of multiyear contracting for commercial satellite communication services.

(C) A proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite communications services using methods of aggregating purchases and leveraging the purchasing power of the Department (including the use of multiyear contracting), or if the use of such methods is determined inadvisable, a statement of the rationale for such determination.

(D) A proposal for such other legislative action that the Secretary considers necessary to implement the strategy of the Department for acquiring commercial satellite communication services.

SA 2455. Mr. WARNER (for Mr. REED (for himself and Mr. ROCKEFELLER)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 296, after line 19, add the following:

SEC. 1205. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.

(a) REVIEW.—Not later than six months after date of enactment, the Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of United States and Russian nonstrategic nuclear weapons and determine whether it is in the national security interest of the United States—

(1) to reduce the number of United States and Russian nonstrategic nuclear weapons;

(2) to improve the security of United States and Russian nonstrategic nuclear weapons in storage and during transport;

(3) to identify and develop mechanisms and procedures to implement transparent reductions in nonstrategic nuclear weapons; and

(4) to identify and develop mechanisms and procedures to implement the transparent dismantlement of excess nonstrategic nuclear weapons.

(b) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of State and the Secretary of Energy, submit a joint report on the results of the review required under subsection (a). The report shall include a plan to implement, not later than October 1, 2006, actions determined to be in the United States national security interest.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include an unclassified annex.

SA 2456. Mr. WARNER (for Mrs. DOLE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

SEC. 718. MENTAL HEALTH COUNSELORS UNDER TRICARE.

(a) IN GENERAL.—Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(17) Services of mental health counselors, except that—

''(A) such services are limited to services provided by counselors who are licensed under applicable State law to provide mental health services;

''(B) such services may be provided independently of medical oversight and supervision only in areas identified by the Secretary as 'medically underserved areas' where the Secretary determines that 25 percent or more of the residents are located in primary shortage areas designated pursuant

to section 332 of the Public Health Services Act (42 U.S.C. 254e); and

''(C) the provision of such services shall be consistent with such rules as may be prescribed by the Secretary of Defense, including criteria applicable to credentialing or certification of mental health counselors and a requirement that mental health counselors accept payment under this section as full payment for all services provided pursuant to this paragraph.''.

(b) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting ''mental health counselors,'' after ''psychologists,''.

SA 2457. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. ___. CLARIFICATION OF CERTAIN AUTHORITIES RELATING TO THE COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) NATURE OF COMMISSION.—Subsection (a) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1880) is amended by inserting ''in the legislative branch'' after ''There is established''.

(b) PAY OF MEMBERS.—Subsection (e)(1) of such section is amended striking ''except that'' and all that follows through the end and inserting ''except that—

''(A) in applying the first sentence of subsection (a) of section 957 of such Act to the Commission, 'may' shall be substituted for 'shall'; and

''(B) in applying subsections (a), (c)(2), and (e) of section 957 of such Act to the Commission, 'level IV of the Executive Schedule' shall be substituted for 'level V of the Executive Schedule'.''.

(c) TECHNICAL AMENDMENT.—Subsection (c)(2)(C) of such section is amended by striking ''section 404(a)(4)'' and inserting ''section 416(a)(4)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

SA 2458. Mr. WARNER (for Mr. MCCAIN proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 144, strike lines 1 through 3 and insert the following:

SEC. 619. RETENTION INCENTIVE AND ASSIGNMENT BONUS FOR MEMBERS OF THE SELECTED RESERVE QUALIFIED IN A CRITICAL MILITARY SKILL OR WHO VOLUNTEER FOR ASSIGNMENT TO A HIGH PRIORITY UNIT.

On page 144, in the amendment made by section 619, strike line 8 and all that follows through page 145, line 12, and insert the following:

''§ 308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill; assignment bonus for members of the Selected Reserve who volunteer for assignment to a high priority unit

''(a) BONUSES AUTHORIZED.—(1) An eligible officer or enlisted member of the armed forces may be paid a retention bonus as provided in this section if—

''(A) in the case of an officer or warrant officer, the member executes a written agreement to remain in the Selected Reserve for at least 2 years;

''(B) in the case of an enlisted member, the member reenlists or voluntarily extends the member's enlistment in the Selected Reserve for a period of at least 2 years; or

''(C) in the case of an enlisted member serving on an indefinite reenlistment, the member executes a written agreement to remain in the Selected Reserve for at least 2 years.

''(2) An officer or enlisted member of the armed forces may be paid an assignment bonus as provided in this section if the member voluntarily agrees to an assignment to a high priority unit of the Selected Reserve of the Ready Reserve of an armed force for at least 2 years.

''(b) MEMBERS ELIGIBLE FOR RETENTION BONUS.—Subject to subsection (d), an officer or enlisted member is eligible under subsection (a)(1) for a retention bonus under this section if the member—

''(1) is qualified in a military skill or specialty designated as critical for purposes of this section under subsection (c); or

''(2) agrees to train or retrain in a military skill or specialty so designated as critical.

''(c) DESIGNATION OF CRITICAL SKILLS OR SPECIALTIES AND HIGH PRIORITY UNITS.—The Secretary concerned shall—

''(1) designate the military skills and specialties that shall be treated as critical military skills and specialties for purposes of this section; and

''(2) designate the units that shall be treated as high priority units for purposes of this section.

On page 148, strike the matter between lines 6 and 7 and insert the following:

''308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill; assignment bonus for members of the Selected Reserve who volunteer for assignment to a high priority unit.''.

At the end of division A, add the following:

TITLE XV—RECRUITMENT AND RETENTION

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Military Recruiting Initiatives Act of 2005''.

SEC. 1502. INCREASE IN MAXIMUM ENLISTMENT BONUS.

(a) ENLISTMENT BONUS FOR SELECTED RESERVE MEMBERS.—Section 308c(b) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

(b) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(a) of title 37, United States Code, is amended by striking ''$20,000'' and inserting ''$40,000''.

SEC. 1503. TEMPORARY AUTHORITY TO PAY BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) AUTHORITY TO PAY BONUS.—The Secretary of the Army may pay a bonus under this section to a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve, who refers to an Army recruiter a person who has not previously served in an Armed Force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

(1) when a member of the Army contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the member in initially recruiting the person.

(c) CERTAIN REFERRALS INELIGIBLE.—

(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

(2) MEMBERS IN RECRUITING ROLES.—A member of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

(d) AMOUNT OF BONUS.—The amount of the bonus paid for a referral under subsection (a) may not exceed $1,000. The bonus shall be paid in a lump sum.

(e) TIME OF PAYMENT.—A bonus may not be paid under subsection (a) with respect to a person who enlists in the Army until the person completes basic training and individual advanced training.

(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10, United States Code.

(g) LIMITATION ON INITIAL USE OF AUTHORITY.—During the first year in which bonuses are offered under this section, the Secretary of the Army may not pay more than 1,000 referral bonuses per component of the Army.

(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2007.

SEC. 1504. INCREASE IN MAXIMUM AGE FOR ENLISTMENT.

Section 505(a) of title 10, United States Code, is amended by striking ''thirty-five years of age'' and inserting ''forty-two years of age''.

SEC. 1505. REPEAL OF PROHIBITION ON PRIOR SERVICE ENLISTMENT BONUS FOR RECEIPT OF OTHER ENLISTMENT OR REENLISTMENT BONUS FOR SERVICE IN THE SELECTED RESERVE.

Section 308i(a)(2) of title 37, United States Code, is amended by striking subparagraph (D).

SEC. 1506. INCREASE AND ENHANCEMENT OF AFFILIATION BONUS FOR OFFICERS OF THE SELECTED RESERVE.

(a) REPEAL OF PROHIBITION ON ELIGIBILITY FOR PRIOR RESERVE SERVICE.—Subsection (a)(2) of section 308j of title 37, United States Code, is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) INCREASE IN MAXIMUM AMOUNT.—Subsection (d) of such section is amended by striking ''$6,000'' and inserting ''$10,000''.

SEC. 1507. ENHANCEMENT OF EDUCATIONAL LOAN REPAYMENT AUTHORITIES.

(a) ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of section 2171(a) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) any loan incurred for educational purposes made by a lender that is—

''(i) an agency or instrumentality of a State;

''(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

''(iii) a pension fund approved by the Secretary for purposes of this section; or

''(iv) a non-profit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.''.

(b) ELIGIBILITY OF OFFICERS.—Paragraph (2) of such section is amended by striking ''an enlisted member in a military specialty'' and inserting ''a member in an officer program or military specialty''.

SEC. 1508. REPORT ON RESERVE DENTAL INSURANCE PROGRAM.

(a) STUDY.—The Secretary of Defense shall conduct a study of the Reserve Dental Insurance program.

(b) ELEMENTS.—The study required by subsection (a) shall—

(1) identify the most effective mechanism or mechanisms for the payment of premiums under the Reserve Dental Insurance program for members of the reserve components of the Armed Forces and their dependents, including by deduction from reserve pay, by direct collection, or by other means (including appropriate mechanisms from other military benefits programs), to ensure uninterrupted availability of premium payments regardless of whether members are performing active duty with pay or inactive-duty training with pay;

(2) include such matters relating to the Reserve Dental Insurance program as the Secretary considers appropriate; and

(3) assess the effectiveness of mechanisms for informing the members of the reserve components of the Armed Forces of the availability of, and benefits under, the Reserve Dental Insurance program.

(c) REPORT.—Not later than February 1, 2007, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include the findings of the study and such recommendations for legislative or administrative action regarding the Reserve Dental Insurance program as the Secretary considers appropriate in light of the study.

(d) RESERVE DENTAL INSURANCE PROGRAM DEFINED.—In this section, the term ''Reserve Dental Insurance program'' includes—

(1) the dental insurance plan required under paragraph (1) of section 1076a(a) of title 10, United States Code; and

(2) any dental insurance plan established under paragraph (2) or (4) of section 1076a(a) of title 10, United States Code.

SA 2459. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 807. GUIDANCE ON USE OF TIERED EVALUATION OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall prescribe guidance for the military departments and the Defense Agencies on the use of tiered evaluations of offers or proposals of offerors for contracts and for task orders under contracts.

(b) ELEMENTS.—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer or proposal of an offeror for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation why such contracting officer was unable to make such determination.

SA 2460. Mr. WARNER (for Mrs. CLINTON (for herself and Ms. COLLINS)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. 596. CONSUMER EDUCATION FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES ON INSURANCE AND OTHER FINANCIAL SERVICES.

(a) EDUCATION AND COUNSELING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 992. Consumer education: financial services

''(a) REQUIREMENT FOR CONSUMER EDUCATION PROGRAM FOR MEMBERS.—(1) The Secretary concerned shall carry out a program to provide comprehensive education to members of the armed forces under the jurisdiction of the Secretary on—

''(A) financial services that are available under law to members;

''(B) financial services that are routinely offered by private sector sources to members;

''(C) practices relating to the marketing of private sector financial services to members;

''(D) such other matters relating to financial services available to members, and the marketing of financial services to members, as the Secretary considers appropriate; and

''(E) such other financial practices as the Secretary considers appropriate.

''(2) Training under this subsection shall be provided to members as—

''(A) a component of members initial entry orientation training; and

''(B) a component of periodically recurring required training that is provided for the members at military installations.

''(3) The training provided at a military installation under paragraph (2)(B) shall include information on any financial services marketing practices that are particularly prevalent at that military installation and in the vicinity.

''(b) COUNSELING FOR MEMBERS AND SPOUSES.—(1) The Secretary concerned shall, upon request, provide counseling on financial services to each member of the armed forces, and such member's spouse, under the jurisdiction of the Secretary.

''(2)(A) In the case of a military installation at which at least 2,000 members of the armed forces on active duty are assigned, the Secretary concerned—

''(i) shall provide counseling on financial services under this subsection through a full-time financial services counselor at such installation; and

''(ii) may provide such counseling at such installation by any means elected by the Secretary from among the following:

''(I) Through members of the armed forces in grade E–7 or above, or civilians, who provide such counseling as part of their other duties for the armed forces or the Department of Defense.

''(II) By contract, including contract for services by telephone and by the Internet.

''(III) Through qualified representatives of nonprofit organizations and agencies under formal agreements with the Department of Defense to provide such counseling.

''(B) In the case of any military installation not described in subparagraph (A), the Secretary concerned shall provide counseling on financial services under this subsection at such installation by any of the means set forth in subparagraph (A)(ii), as elected by the Secretary concerned.

''(3) Each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraph (2), shall be an individual who, by reason of education, training, or experience, is qualified to provide helpful counseling to members of the armed forces and their spouses on financial services and marketing practices described in subsection (a)(1). Such individual may be a member of the armed forces or an employee of the Federal Government.

''(4) The Secretary concerned shall take such action as is necessary to ensure that each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraphs (2), is free from conflicts of interest relevant to the performance of duty under this section. and, in the performance of that duty, is dedicated to furnishing members of the armed forces and their spouses with helpful information and counseling on financial services and related marketing practices.

''(c) LIFE INSURANCE.—(1) In counseling a member of the armed forces, or spouse of a member of the armed forces, under this section regarding life insurance offered by a private sector source, a financial services counselor under subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), shall furnish the member or spouse, as the case may be, with information on the availability of Servicemembers' Group Life Insurance under subchapter III of chapter 19 of title 38, including information on the amounts of coverage available and the procedures for electing coverage and the amount of coverage.

''(2)(A) A covered member of the armed forces may not authorize payment to be made for private sector life insurance by means of an allotment of pay to which the member is entitled under chapter 3 of title 37 unless the authorization of allotment is accompanied by a written certification by a commander of the member, a financial services counselor referred to in subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), as applicable, that the member has received counseling under paragraph (1) regarding the purchase of coverage under that private sector life insurance.

''(B) Subject to subparagraph (C), a written certification described in subparagraph (A)

may not be made with respect to a member's authorization of allotment as described in subparagraph (A) until seven days after the date of the member's authorization of allotment in order to facilitate the provision of counseling to the member under paragraph (1).

''(C) The commander of a member may waive the applicability of subparagraph (B) to a member for good cause, including the member's imminent change of station.

''(D) In this paragraph, the term 'covered member of the armed forces' means an active duty member of the armed forces in grades E–1 through E–4.

''(d) FINANCIAL SERVICES DEFINED.—In this section, the term 'financial services' includes the following:

''(1) Life insurance, casualty insurance, and other insurance.

''(2) Investments in securities or financial instruments.

''(3) Banking, credit, loans, deferred payment plans, and mortgages.''.

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

''992. Consumer education: financial services.''.

(b) CONTINUING EFFECT OF EXISTING ALLOTMENTS FOR LIFE INSURANCE.—Paragraph (c)(2) of section 992 of title 10, United States Code (as added by subsection (a)), shall not affect any allotment of pay authorized by a member of the Armed Forces before the effective date of such section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

SA 2461. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 52, between lines 5 and 6, insert the following:

SEC. 304. NAVY HUMAN RESOURCES BENEFIT CALL CENTER.

Of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, $1,500,000 may be available for civilian manpower and personnel for a human resources benefit call center.

SA 2462. Mr. WARNER (for Mr. VITTER) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 213, between lines 2 and 3, insert the following:

SEC. 807. CONGRESSIONAL NOTIFICATION OF CANCELLATION OF MAJOR AUTOMATED INFORMATION SYSTEMS.

(a) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees not less than 60 days before cancelling a major automated information system program that has been fielded or approved to be fielded, or making a change that will significantly reduce the scope of such a program, of the proposed cancellation or change.

(b) CONTENT.—Each notification submitted under subsection (a) with respect to the proposed cancellation or change shall include—

(1) the specific justification for the proposed change;

(2) a description of the impact of the proposed change on the Department's ability to achieve the objectives of the program that has been cancelled or changed;

(3) a description of the steps that the Department plans to take to achieve such objectives; and

(4) other information relevant to the change in acquisition strategy.

(c) DEFINITIONS.—In this section:

(1) The term ''major automated information system'' has the meaning given that term in Department of Defense Directive 5000.

(2) The term ''approved to be fielded'' means having received Milestone C approval.

SA 2463. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 310, in the table following line 16, strike ''$8,450,000'' in the amount column of the item relating to Fort Gillem, Georgia, and insert ''$3,900,000''.

On page 310, in the table following line 16, insert after the item relating to Fort Gillem, Georgia, the following:

	Fort Gordon	$4,550,000

SA 2464. Mr. WARNER (for Mr. BAYH) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XIV of division A, add the following:

SEC. 1411. TACTICAL WHEELED VEHICLES.

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army is hereby increased by $360,800,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army, as increased by subsection (a), $360,800,000 may be made available—

(1) for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), including Low Signature Armored Cabs for the family of MTVs, and armored Heavy Tactical Vehicles (HTVs); and

(2) to the extent the Secretary of the Army determines that such amount is not needed for the procurement of such armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan, for the procurement of such armored vehicles in accordance with other priorities of the Army.

(c) OFFSET.—The amount authorized to be appropriated by section 1409(a) for the Iraq Freedom Fund is hereby reduced by $360,800,000.

SA 2465. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of section 732, add the following:

(d) FUNDING.—

(1) IN GENERAL.—(A) The amount authorized to be appropriated by section 303(a) for the Defense Health Program is hereby increased by $10,000,000.

(B) Of the amount authorized to be appropriated by section 303(a) for the Defense Health Program, as increased by subparagraph (A), $10,000,000 shall be available for pilot projects under this section.

(C) The amount available under subparagraph (B) shall remain available until expended.

(2) OFFSET.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby decreased by $10,000,000.

SA 2466. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 104, in the amendment made by section 571, strike line 24 and all that follows through page 105, line 3, and insert the following:

310(a) of title 37;

''(ii) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section; or

''(iii) on or after August 29, 2005, performs duty designated by the Secretary of Defense as qualifying duty for purposes of this subsection.''.

At the end of title VI, add the following:

Subtitle F—Enhancement of Authorities for Recruitment and Retention

SEC. 671. INCREASE IN MAXIMUM RATE OF ASSIGNMENT INCENTIVE PAY.

(a) INCREASE IN MAXIMUM RATE.—Section 307a(c) of title 37, United States Code, is amended by striking ''$1,500'' and inserting ''$3,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

SEC. 672. TEMPORARY INCREASE IN BASIC ALLOWANCE FOR HOUSING IN AREAS SUBJECT TO DECLARATION OF A MAJOR DISASTER.

(a) TEMPORARY INCREASE AUTHORIZED.—Section 403(b) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5)(A) The Secretary of Defense may prescribe a temporary increase in rates of basic allowance for housing in a military housing area located in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

''(B) The amount of the increase under this paragraph in rates of basic allowance for housing in an area by reason of a disaster shall be based on a determination by the Secretary of the amount by which the costs of adequate housing for civilians have increased in the area by reason of the disaster.

''(C) The amount of any increase under this paragraph in a rate of basic allowance for housing may not exceed the amount equal to 20 percent of such rate of basic allowance for housing.

''(D) A member may be paid a basic allowance for housing at a rate increased under this paragraph by reason of a disaster only if the member certifies to the Secretary concerned that the member has incurred increased housing costs in the area concerned by reason of the disaster.

''(E) An increase in rates of basic allowance for housing in an area under this paragraph shall remain in effect until the effective date of the first adjustment in rates of basic allowance for housing made for the area pursuant to a redetermination of housing costs in the area under paragraph (4) that occurs after the date of the increase under this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 1, 2005, and shall apply with respect to months beginning on or after that date.

SEC. 673. TEMPORARY AUTHORITY FOR INCENTIVES FOR RECRUITMENT OF MILITARY PERSONNEL.

(a) AUTHORITY TO PROVIDE INCENTIVES.—The Secretary of Defense may, in consultation with the Director of the Office of Management and Budget, develop and provide incentives (in addition to any other incentives authorized by law) for the recruitment of individuals as officers and enlisted members of the Armed Forces.

(b) CONSTRUCTION WITH OTHER PERSONNEL AUTHORITIES.—

(1) IN GENERAL.—Incentives may be provided under subsection (a)—

(A) without regard to the lack of specific authority for such incentives under title 10, United States Code, or title 37, United States Code; and

(B) notwithstanding any provision of title 10, United States Code, or title 37, United States Code, or any rule or regulation prescribed under such provision, relating to methods of—

(i) determining requirements for, and the compensation of, members of the Armed Forces who are assigned duty as military recruiters; or

(ii) providing incentives to individuals to accept commissions or enlist in the Armed Forces, including the provision of group or individual bonuses, pay, or other incentives.

(2) WAIVER OF OTHERWISE APPLICABLE LAWS.—No provision of title 10, United States Code, or title 37, United States Code, may be waived with respect to, or otherwise determined to be inapplicable to, the provision of incentives under subsection (a) except with the approval of the Secretary.

(c) PLANS.—

(1) DEVELOPMENT OF PLANS.—Before providing an incentive under subsection (a), or entering into any agreement or contract with respect to the provision of such incentive, the Secretary shall develop a plan that includes—

(A) a description of such incentive, including the purpose of such project and the members (or potential recruits) of the Armed Forces to be addressed by such incentive;

(B) a statement of the anticipated outcomes of such incentive; and

(C) the method of evaluating the effectiveness of such incentive.

(2) SUBMITTAL OF PLANS.—Not later than 30 days before the provision of an incentive under subsection (a), the Secretary shall submit a copy of the plan developed under paragraph (1) on such incentive—

(A) to the elements of the Department of Defense to be affected by the provision of such incentive; and

(B) to Congress.

(d) LIMITATIONS.—

(1) NUMBER OF INDIVIDUALS.—The number of individuals provided incentives under subsection (a) may not exceed the number of individuals equal to 20 percent of the accession mission of the Armed Force concerned for the fiscal year in which such incentives are first provided.

(2) DURATION OF PROVISION.—The provision of incentives under subsection (a) shall terminate not later than the end of the three-year period beginning on the date on which the provision of such incentives commences (except that such incentives may continue to be provided beyond the date otherwise provided in this paragraph to the extent necessary to evaluate the effectiveness of such incentives).

(e) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit to Congress on an annual basis a report on the incentives provided under subsection (a) during the preceding year.

(2) ELEMENTS.—Each report under this subsection shall include—

(A) a description of the incentives provided under subsection (a) during the fiscal year covered by such report; and

(B) an assessment of the impact of such incentives on the recruitment of individuals as officers or enlisted members of the Armed Forces.

SEC. 674. PAY AND BENEFITS TO FACILITATE VOLUNTARY SEPARATION OF TARGETED MEMBERS OF THE ARMED FORCES.

(a) PAY AND BENEFITS AUTHORIZED.—

(1) IN GENERAL.—Chapter 59 of title 10, United States Code, is amended by inserting after section 1175 the following new section:

''§ 1175a. Voluntary separation pay and benefits

''(a) IN GENERAL.—Under regulations approved by the Secretary of Defense, the Secretary concerned may provide voluntary separation pay and benefits in accordance with this section to eligible members of the armed forces who are voluntarily separated from active duty in the armed forces.

''(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member of the armed forces is eligible for voluntary separation pay and benefits under this section if the member—

''(A) has served on active duty for more than 6 years but not more than 20 years;

''(B) has served at least 5 years of continuous active duty immediately preceding the date of the member's separation from active duty;

''(C) has not been approved for payment of a voluntary separation incentive under section 1175 of this title;

''(D) meets such other requirements as the Secretary concerned may prescribe, which may include requirements relating to—

''(i) years of service, skill, rating, military specialty, or competitive category;

''(ii) grade or rank;

''(iii) remaining period of obligated service; or

''(iv) any combination of these factors; and

''(E) requests separation from active duty.

''(2) The following members are not eligible for voluntary separation pay and benefits under this section:

''(A) Members discharged with disability severance pay under section 1212 of this title.

''(B) Members transferred to the temporary disability retired list under section 1202 or 1205 of this title.

''(C) Members being evaluated for disability retirement under chapter 61 of this title.

''(D) Members who have been previously discharged with voluntary separation pay.

''(E) Members who are subject to pending disciplinary action or who are subject to administrative separation or mandatory discharge under any other provision of law or regulations.

''(3) The Secretary concerned shall determine each year the number of members to be separated, and provided separation pay and benefits, under this section during the fiscal year beginning in such year.

''(c) SEPARATION.—Each eligible member of the armed forces whose request for separation from active duty under subsection (b)(1)(E) is approved shall be separated from active duty.

''(d) ADDITIONAL SERVICE IN READY RESERVE.—Of the number of members of the armed forces to be separated from active duty in a fiscal year, as determined under subsection (b)(3), the Secretary concerned shall determine a number of such members, in such skill and grade combinations as the Secretary concerned shall designate, who shall serve in the Ready Reserve, after separation from active duty, for a period of not less than three years, as a condition of the receipt of voluntary separation pay and benefits under this section.

''(e) SEPARATION PAY AND BENEFITS.—(1) A member of the armed forces who is separated from active duty under subsection (c) shall be paid voluntary separation pay in accordance with subsection (g) in an amount determined by the Secretary concerned pursuant to subsection (f).

''(2) A member who is not entitled to retired or retainer pay upon separation shall be entitled to the benefits and services provided under—

''(A) chapter 58 of this title during the 180-day period beginning on the date the member is separated (notwithstanding any termination date for such benefits and services otherwise applicable under the provisions of such chapter); and

''(B) sections 404 and 406 of title 37.

''(f) COMPUTATION OF VOLUNTARY SEPARATION PAY.—The Secretary concerned shall specify the amount of voluntary separation pay that an individual or defined group of members of the armed forces may be paid under subsection (e)(1). No member may receive as voluntary separation pay an amount greater than three times the full amount of separation pay for a member of the same pay grade and years of service who is involuntarily separated under section 1174 of this title.

''(g) PAYMENT OF VOLUNTARY SEPARATION PAY.—(1) Voluntary separation pay under this section may be paid in a single lump sum.

''(2) In the case of a member of the armed forces who, at the time of separation under subsection (c), has completed at least 15 years, but less than 20 years, of active service, voluntary separation pay may be paid, at the election of the Secretary concerned, in—

''(A) a single lump sum;

''(B) installments over a period not to exceed 10 years; or

''(C) a combination of lump sum and such installments.

''(h) COORDINATION WITH RETIRED OR RETAINER PAY AND DISABILITY COMPENSATION.—(1) A member who is paid voluntary separation pay under this section and who later qualifies for retired or retainer pay under this title or title 14 shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such retired or retainer pay is equal to the total amount of voluntary separation pay so paid.

''(2)(A) Except as provided in subparagraphs (B) and (C), a member who is paid voluntary separation pay under this section shall not be deprived, by reason of the member's receipt of such pay, of any disability compensation to which the member is entitled under the laws administered by the Secretary of Veterans Affairs, but there shall be deducted from such disability compensation an amount, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such disability compensation is equal to the total amount of voluntary separation pay so paid.

''(B) No deduction shall be made from the disability compensation paid to an eligible disabled uniformed services retiree under section 1413, or to an eligible combat-related disabled uniformed services retiree under section 1413a of this title, who is paid voluntary separation pay under this section.

''(C) No deduction may be made from the disability compensation paid to a member for the amount of voluntary separation pay received by the member because of an earlier discharge or release from a period of active duty if the disability which is the basis for that disability compensation was incurred or aggravated during a later period of active duty.

''(3) The requirement under this subsection to repay voluntary separation pay following retirement from the armed forces does not apply to a member who was eligible to retire at the time the member applied and was accepted for voluntary separation pay and benefits under this section.

''(4) The Secretary concerned may waive the requirement to repay voluntary separation pay under paragraphs (1) and (2) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(i) RETIREMENT DEFINED.—In this section, the term 'retirement' includes a transfer to the Fleet Reserve or Fleet Marine Corps Reserve.

''(j) REPAYMENT FOR MEMBERS WHO RETURN TO ACTIVE DUTY.—(1) Except as provided in paragraphs (2) and (3), a member of the armed forces who, after having received all or part of voluntary separation pay under this section, returns to active duty shall have deducted from each payment of basic pay, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such basic pay equals the total amount of voluntary separation pay received.

''(2) Members who are involuntarily recalled to active duty or full-time National Guard duty in accordance with section 12301(a), 12301(b), 12301(g), 12302, 12303, or 12304 of this title or section 502(f)(1) of title 32 shall not be subject to this subsection.

''(3) Members who are recalled or perform active duty or full-time National Guard duty in accordance with section 101(d)(1), 101(d)(2), 101(d)(5), 12301(d) (insofar as the period served is less than 180 consecutive days with the consent of the member), 12319, or 12503 of title 10, or section 114, 115, or 502(f)(2) of title 32 (insofar as the period served is less than 180 consecutive days with consent of the member), shall not be subject to this subsection.

''(4) The Secretary of Defense may waive, in whole or in part, repayment required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States. The authority in this paragraph may be delegated only to the Undersecretary of Defense for Personnel and Readiness and the Principal Deputy Undersecretary of Defense for Personnel and Readiness.

''(k) TERMINATION OF AUTHORITY.—(1) The authority to separate a member of the armed forces from active duty under subsection (c) shall terminate on December 31, 2008.

''(2) A member who separates by the date specified in paragraph (1) may continue to be provided voluntary separation pay and benefits under this section until the member has received the entire amount of pay and benefits to which the member is entitled under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting after the item relating to section 1175 the following new item:

''1175a. Voluntary separation pay and benefits.''.

(b) LIMITATION ON APPLICABILITY.—During the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the members of the Armed Forces who are eligible for separation, and for the provision of voluntary separation pay and benefits, under section 1175a of title 10, United States Code (as added by subsection (a)), shall be limited to officers of the Armed Forces who meet the eligibility requirements of section 1175a(b) of title 10, United States Code (as so added), but have not completed more than 12 years of active service as of the date of separation from active duty.

(c) OFFICER SELECTIVE EARLY RETIREMENT.—Section 638a(a) of title 10, United States Code, is amended by adding at the end the following new sentence: ''During the period beginning on October 1, 2005, and ending on December 31, 2011, the Secretary of Defense may also authorize the Secretary of the Navy and the Secretary of the Air Force to take any of the actions set forth in such subsection with respect to officers of the armed forces under the jurisdiction of such Secretary.''.

SA 2467. Mr. WARNER (for Mr. DODD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. ___. REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOYMENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.

(a) REIMBURSEMENT REQUIRED.—

(1) IN GENERAL.—Subject to subsections (d) and (e), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2), for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation if the unit commander of such member certifies that such equipment was critical to the protection, safety, or health of such member.

(2) COVERED PERSONS AND ENTITIES.—A person or entity referred to in this paragraph is a family member or relative of a member of the Armed Forces, a non-profit organization, or a community group.

(3) REGULATIONS NOT REQUIRED FOR REIMBURSEMENT.—Reimbursements may be made under this subsection in advance of the promulgation by the Secretary of Defense of regulations, if any, relating to the administration of this section.

(b) PROTECTIVE EQUIPMENT REIMBURSEMENT FUND.—

(1) ESTABLISHMENT.—There is hereby established an account to be known as the ''Protective Equipment Reimbursement Fund'' (in this subsection referred to as the ''Fund'').

(2) ELEMENTS.—The Fund shall consist of amounts deposited in the Fund from amounts available for the Fund under subsection (g).

(3) AVAILABILITY.—Amounts in the Fund shall be available directly to the unit commanders of members of the Armed Forces for the making of reimbursements for protective, safety, and health equipment under subsection (a).

(4) DOCUMENTATION.—Each person seeking reimbursement under subsection (a) for protective, safety, or health equipment purchased by or on behalf of a member of the Armed Forces shall submit to the unit commander of such member such documentation as is necessary to establish each of the following:

(A) The nature of such equipment, including whether or not such equipment qualifies as protective, safety, or health equipment under subsection (c).

(B) The cost of such equipment.

(c) COVERED PROTECTIVE, SAFETY, AND HEALTH EQUIPMENT.—Protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multi-purpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army, or equivalent programs of the other Armed Forces, such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, a gun scope, and a soldier intercommunication device.

(d) LIMITATION REGARDING AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided under subsection (a) per item of protective, safety, and health equipment purchased by or on behalf of any given member of the Armed Forces may not exceed the lesser of—

(1) the cost of such equipment (including shipping cost); or

(2) $1,100.

(e) LIMITATION ON DATE OF PURCHASE.—Reimbursement may be made under subsection (a) only for protective, safety, and health equipment purchased before October 1, 2006.

(f) OWNERSHIP OF EQUIPMENT.—The Secretary shall identify the circumstances, if any, under which the United States shall assume title or ownership of protective, safety, or health equipment for which reimbursement is provided under subsection (a).

(g) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts for reimbursements under subsection (a) shall be derived from any amounts authorized to be appropriated by this Act.

(2) EXCEPTION.—Amounts authorized to be appropriated by this Act and available for the procurement of equipment for members of the Armed Forces deployed, or to be deployed, to Iraq or Afghanistan may not be utilized for reimbursements under subsection (a).

(h) REPEAL OF SUPERSEDED AUTHORITY.—Section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118. Stat. 1857) is repealed.

SA 2468. Mr. WARNER (for Mrs. DOLE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. 596. REPORT ON PREDATORY LENDING PRACTICES DIRECTED AT MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Predatory lending practices harm members of the Armed Forces and are an increasing problem for the Armed Forces.

(2) Predatory lending practices not only hurt the financial security of the members of the Armed Forces but, according to the Under Secretary of Defense for Personnel and Readiness, also threaten the operational readiness of the Armed Forces.

(3) The General Accountability Office found in an April 2005 report that the Department of Defense was not fully utilizing tools available to the Department to curb the predatory lending practices directed at members of the Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense should work with financial service regulators to protect the members of the Armed Forces from predatory lending practices; and

(2) the Senate should consider and adopt legislation—

(A) to strengthen disclosure, education, and other protections for members of the Armed Forces regarding predatory lending practices; and

(B) to ensure greater cooperation between financial services regulators and the Department of Defense on the protection of members of the Armed Forces from predatory lending practices.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of the Treasury, the Chairman of the Federal Reserve, the Chairman of the Federal Deposit Insurance Corporation, and representatives of military charity organizations and consumer organizations, submit to the appropriate committees of Congress a report on predatory lending practices directed at members of the Armed Forces and their families.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of the prevalence of predatory lending practices directed at members of the Armed Forces and their families;

(B) an assessment of the effects of predatory lending practices on members of the Armed Forces and their families;

(C) a description of the strategy of the Department of Defense, and of any current or planned programs of the Department, to educate members of the Armed Forces and their families regarding predatory lending practices;

(D) a description of the strategy of the Department of Defense, and of any current or planned programs of the Department, to reduce or eliminate—

(i) the prevalence of predatory lending practices directed at members of the Armed Forces and their families; and

(ii) the negative effect of such practices on members of the Armed Forces and their families; and

(E) recommendations for additional legislative and administrative action to reduce or eliminate predatory lending practices directed at members of the Armed Forces and their families.

(3) DEFINITIONS.—In this subsection:

(A) The term ''appropriate committees of Congress'' means—

(i) the Committees on Armed Services and Banking, Housing, and Urban Affairs of the Senate; and

(ii) the Committees on Armed Services and Financial Services of the House of Representatives.

(B) The term ''predatory lending practice'' means an unfair or abusive loan or credit sale transition or collection practice.

SA 2469. Mr. WARNER (for Mr. CARPER) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 337, between lines 4 and 5, insert the following:

SEC. 2602. CONSTRUCTION OF MAINTENANCE HANGAR, NEW CASTLE COUNTY AIRPORT AIR GUARD BASE, DELAWARE.

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(3)(A) for the Department of the Air Force for the Air National Guard of the United States is hereby increased by $1,440,000.

(b) USE OF FUNDS.—Of the amount authorized to be appropriated by section 2601(3)(A) for the Department of the Air Force for the Air National Guard of the United States, as increased by subsection (a), $1,440,000 is available for planning and design for a replacement C-130 aircraft maintenance hangar at Air National Guard New Castle County Airport, Delaware.

(c) OFFSET.—The amount authorized to be appropriated by section 2204(a) for military construction, land acquisition, and military family housing functions of the Department of the Navy and the amount of such funds authorized by paragraph (11) of such subsection for the construction of increment 3 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, are each hereby decreased by $1,440,000.

SA 2470. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle F of title V, add the following:

SEC. ___. SENSE OF SENATE ON NOTICE TO CONGRESS OF RECOGNITION OF MEMBERS OF THE ARMED FORCES FOR EXTRAORDINARY ACTS OF BRAVERY, HEROISM, AND ACHIEVEMENT.

It is the sense of the Senate that the Secretary of Defense or the Secretary of the military department concerned should, upon awarding a medal to a member of the Armed Forces or otherwise commending or recognizing a member of the Armed Forces for an act of extraordinary heroism, bravery, achievement, or other distinction, notify the Committees on Armed Services of the Senate and the House of Representatives, the Senators from the State in which such member resides, and the Member of the House of Representatives from the district in which such member resides of such extraordinary award, commendation, or recognition.

SA 2471. Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of division A, add the following:

TITLE XV—TRANSITION SERVICES

SEC. 1501. SHORT TITLE.

This title may be cited as the ''Veterans' Enhanced Transition Services Act of 2005''.

SEC. 1502. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) PRESEPARATION COUNSELING.—Section 1142 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) For members of the reserve components of the armed forces (including members of the National Guard on active duty under title 32) who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall provide preseparation counseling under this section on an individual basis to all such members before such members are separated.''; and

(2) in subsection (b)—

(A) in paragraph (4), by striking ''(4) Information concerning'' and inserting the following:

''(4) Provision of information on civilian occupations and related assistance programs, including information concerning—

''(A) certification and licensure requirements that are applicable to civilian occupations;

''(B) civilian occupations that correspond to military occupational specialties; and

''(C)''; and

(B) by adding at the end the following:

''(11) Information concerning the priority of service for veterans in the receipt of employment, training, and placement services provided under qualified job training programs of the Department of Labor.

''(12) Information concerning veterans small business ownership and entrepreneurship programs of the Small Business Administration and the National Veterans Business Development Corporation.

''(13) Information concerning employment and reemployment rights and obligations under chapter 43 of title 38.

''(14) Information concerning veterans preference in federal employment and federal procurement opportunities.

''(15) Contact information for housing counseling assistance.

''(16) A description, developed in consultation with the Secretary of Veterans Affairs, of health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 1142. Members separating from active duty: preseparation counseling''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by striking the item relating to section 1142 and inserting the following:

''1142. Members separating from active duty: preseparation counseling.''.

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''paragraph (4)(A)'' in the second sentence and inserting ''paragraph (5)(A)''; and

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

''(e) TRAINING SUPPORT MATERIALS.—The Secretary concerned shall, on a continuing basis and in cooperation with the Secretary of Labor, update the content of all materials used by the Department of Labor that provide direct training support to personnel who provide transitional services counseling under this section.''.

SEC. 1503. FOLLOW UP ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AFTER PRESEPARATION PHYSICAL EXAMINATIONS.

Section 1145(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, ensure that appropriate actions are taken to assist a member of the armed forces who, as a result of a medical examination under paragraph (4), receives an indication for a referral for follow up treatment from the health care provider who performs the examination.

''(B) Assistance provided to a member under paragraph (1) shall include the following:

''(i) Information regarding, and any appropriate referral for, the care, treatment, and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide to such member under any other provision of law, including—

''(I) clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions; and

''(II) any other care, treatment, and services.

''(ii) Information on the private sector sources of treatment that are available to the member in the member's community.

''(iii) Assistance to enroll in the health care system of the Department of Veterans Affairs for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.''.

SEC. 1504. REPORT ON TRANSITION ASSISTANCE PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 2006, the Secretary of Defense shall, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, submit to Congress a report on the actions taken to ensure that the Transition Assistance Programs for members of the Armed Forces separating from the Armed Forces (including members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces) function effectively to provide such members with timely and comprehensive transition assistance when separating from the Armed Forces.

(b) FOCUS ON PARTICULAR MEMBERS.—The report required by subsection (a) shall include particular attention to the actions taken with respect to the Transition Assistance Programs to assist the following members of the Armed Forces:

(1) Members deployed to Operation Iraqi Freedom.

(2) Members deployed to Operation Enduring Freedom.

(3) Members deployed to or in support of other contingency operations.

(4) Members of the National Guard activated under the provisions of title 32, United States Code, in support of relief efforts for Hurricane Katrina and Hurricane Rita.

SA 2472. Mr. VOINOVICH (for Mr. ENZI) proposed an amendment to the bill H.R. 797, to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians; as follows:

On page 3, line 9, strike ''and''.

Beginning on page 3, strike lines 19 through 24 and insert the following: of 1968 (42 U.S.C. 3601 et seq.); and

(E) federally recognized Indian tribes exercising powers of self-government are governed by the Indian Civil Rights Act (25 U.S.C. 1301 et seq.); and

Beginning on page 4, strike line 15 and all that follows through page 5, line 6, and insert the following:

''SEC. 544. INDIAN TRIBES.

''Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to actions by federally recognized Indian tribes (including instrumentalities of such Indian tribes) under this Act.''.

On page 5, after line 23, add the following:

SEC. 6. YOUTHBUILD ELIGIBILITY.

Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h–1) is amended by striking ''for fiscal year 1998 and fiscal years thereafter'' and inserting ''for fiscal years 1998 through 2005''.

SA 2473. Mr. DURBIN (for himself, Mr. CORZINE, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.

(a) AGE AND SERVICE REQUIREMENTS.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

''(a)(1) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

''(A) satisfies one of the combinations of requirements for minimum age and minimum number of years of service (computed under section 12732 of this title) that are specified in the table in paragraph (2);

''(B) performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed 20 years of service computed under section 12732 of this title before October 5, 1994, the number of years of qualifying service under this subparagraph shall be eight; and

''(C) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

''(2) The combinations of minimum age and minimum years of service required of a person under subparagraph (A) of paragraph (1) for entitlement to retired pay as provided in such paragraph are as follows:

''Age, in years, is at least:	The minimum years of service required for that age is:
55	25
56	24
57	23
58	22
59	21
60	20.''.

(b) 20-YEAR LETTER.—Subsection (d) of such section is amended by striking ''the years of service required for eligibility for retired pay under this chapter'' in the first sentence and inserting ''20 years of service computed under section 12732 of this title.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to retired pay payable for that month and subsequent months.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 8, 2005, at 9:30 a.m. to hold a hearing on Kosovo—A Way Forward.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 8, 2005, at 2:30 p.m. to hold a hearing on Nominations.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Saudia Arabia: Friend or Foe in the War on Terror?'' on Tuesday, November 8, 2005 at 9:30 a.m. in the Dirksen Senate Office Building, Room 226.

Witness List

Panel I: Daniel Glaser, Deputy Assistant Secretary for Terrorist Financing and Financial Crimes, U.S. Department of the Treasury, Washington, DC.

Alan Misenheimer, Director of Arabian Peninsula and Iran Affairs, U.S. Department of State, Washington, DC.

Panel II: Anthony Cordesman, Co-Director, Middle East Program, Center for Strategic and International Studies, Washington, DC.

Nina Shea, Director, Center for Religious Freedom, Washington, DC.

Steve Emerson, Terrorism Expert and Executive Director, Investigative Project on Terrorism, Washington, DC.

Gulam Bakali, Islamic Association of North Texas, Board of Trustees, Richardson, TX.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Executive Nominations'' on Tuesday, November 8, 2005 at 2:30 p.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Kay Bailey Hutchison, U.S. Senator, R–TX; The Honorable John Cornyn, U.S. Senator, R–TX.

Panel II: Carol E. Dinkins to be Chairman of the Privacy and Civil Liberties Oversight Board; Alan Charles Raul to be Vice Chairman of the Privacy and Civil Liberties Oversight Board.

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

SUBCOMMITTEE ON RESEARCH, NUTRITION, AND GENERAL LEGISLATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Research, Nutrition and General Legislation be authorized to conduct a hearing during the session of the Senate on Tuesday, November 8, 2005 at 2:30 p.m. in SDG–50, Senate Dirksen Office Building. The purpose of this Subcommittee Hearing will be to discuss the Pet Animal Welfare, PAWS, statute.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing entitled, ''Strengthening Hurricane Recovery Efforts for Small Businesses'' on Tuesday, November 8, 2005, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 8, 2005 at 10 a.m. to hold a closed business meeting.

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

SUBCOMMITTEE ON SUPERFUND AND WASTE MANAGEMENT

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Superfund and Waste Management be authorized to hold an oversight hearing at 2:30 p.m., on Tuesday, November 8, on the impact of certain government contractor liability proposals on environmental laws.

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

PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Richard Ferguson be allowed floor privileges during the consideration of the National Defense Authorization Act. He is a Defense fellow for Senator HARRY REID.

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

Mr. LEAHY. I ask unanimous consent that Erica Santo Pietro of my staff be granted the privileges of the floor for the rest of today.

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

Mr. LEVIN. Mr. President, on behalf of Senator DAYTON, I ask unanimous consent that the privilege of the floor be granted to Mike Powers, a fellow in his office, for the duration of the floor debate on the bill.

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

NATIVE AMERICAN HOUSING ENHANCEMENT ACT OF 2005

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 261, H.R. 797.

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

The legislative clerk read as follows:

A bill (H.R. 797) to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

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

Mr. ENZI. Mr. President, today, I rise in support of H.R. 797, the Native American Housing Enhancement Act of 2005. This bill is identical to a bill Senator JOHNSON and I introduced in February, S. 475, that will encourage home ownership and enhance housing opportunities for Native Americans across the country. H.R. 797 is an important piece of legislation and I commend my Senate colleague, Senator TIM JOHNSON from South Dakota, and my colleague on the House side, Congressman RICK RENZI from Arizona, for their continued leadership on Indian housing issues.

Home ownership is a fundamental building block of a successful community. Simply put, ownership promotes pride and pride promotes improvement. And, when it comes to Native American housing, we have a lot of improving to do. Currently, Native Americans experience some of the worst housing conditions in the country. About 90,000 Indian families are homeless or underhoused. Nearly 33 percent of Indian homes are overcrowded, while 33 percent lack adequate solid waste management systems and 8 percent lack a safe indoor water supply.

Poor housing conditions on our reservations are a symptom of laws and regulations that fail to promote a sense of ownership and personal responsibility within our tribes. Although the Native American Housing Assistance and Self-Determination Act of 1996 made great strides in developing an ownership society in Indian country, we still have a lot of work to do. This legislation is a step in the right direction. Our bill would give tribes more flexibility when developing housing improvement projects, and will also give tribal housing entities the opportunity to once again take advantage of a program designed to teach kids the value of hardwork and community involvement.

The Youthbuild program is a vocational program designed to give low-income kids and highschool drop-outs between the ages of 16 and 24 the skills they need to survive in today's world. Youthbuild participants gain critical job skills and leadership training by constructing and rehabilitating affordable housing units in their communities. The new housing units are owned and managed by community housing authorities and then permanently designated for low-income families who need the most help finding a place to live. The program is an excellent tool for achieving two goals. The first goal is to provide vocational education and life-long learning skills for kids who live in some of the most economically-depressed areas of the country. These kids need skills in order to build a workforce that can support economic development on our reservations. The second goal is to build affordable housing units so tribal families can find homes with running water, adequate sewage systems, and heat and electricity.

However, as I mentioned before, tribal housing entities and tribal youth programs were barred from the Youthbuild program when the Native American Housing Assistance and Self-Determination Act of 1996, NAHASDA, was enacted. Accessibility was eliminated because NAHASDA gave the tribes the authority to encompass this type of activity under their respective Indian Housing Plans. Unfortunately, when tribes are prioritizing their housing projects, many choose to fix crumbling foundations, dry-rot and sanitation systems before they invest in Youthbuild-type programs. H.R. 797 will provide an alternative resource for this type of activity. Further, it will

help children in tribal communities feel a sense of accomplishment when they see their friends and neighbors move into new homes they help built. And, that builds pride.

The bill will also clarify that tribes and tribal entities can access certain grant income and retain program money for successive grant years if used for affordable housing activities. This provision will ultimately provide tribes and tribal entities with more flexibility in planning and improve their ability to use their funds efficiently.

H.R. 797 also amends the Housing Act of 1949 to provide consistency across tribal housing programs by treating tribes applying for housing programs within the Department of Agriculture, USDA, the same as tribes applying for housing programs within the Department of Housing and Urban Development, HUD. The bill will allow tribes to comply with Title II of the Indian Civil Rights Act of 1968 rather than Title VI of the Civil Rights Act of 1964 when securing federal funds for USDA housing programs.

Under Title VI of the Civil Rights Act of 1964, tribes are unable to access certain federal funds if Indian preference is a factor in using those funds. Tribes must comply with the Civil Rights Act unless Congress explicitly exempts them under an authorizing statute. Unfortunately, most Native American housing programs are tailored to benefit tribal members, which puts these programs at odds with the 1964 Act.

When Congress passed the Native American Housing Assistance and Self Determination Act in 1996, we exempted tribes from the 1964 Civil Rights Act for housing programs administered by the Department of Housing and Urban Development, provided they comply with the Indian Civil Rights Act of 1968. H.R. 797 would provide a similar exemption for tribes with respect to housing projects under the Department of Agriculture. In short, it brings USDA housing programs in line with HUD housing programs.

This is a good bill that will provide real and tangible benefits in Indian country. Building a community is about building pride in our kids, our neighbors and ourselves. H.R. 797 and S. 475 recognize that pride comes from working together, learning new and improved skills, earning livable wages, and owning a home, among other things.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2472) was agreed to, as follows:

AMENDMENT NO. 2472

(Purpose: To modify a provision relating to the application of certain Acts to Indian tribes)

On page 3, line 9, strike "and".

Beginning on page 3, strike lines 19 through 24 and insert the following: of 1968 (42 U.S.C. 3601 et seq.); and

(E) federally recognized Indian tribes exercising powers of self-government are governed by the Indian Civil Rights Act (25 U.S.C. 1301 et seq.); and

Beginning on page 4, strike line 15 and all that follows through page 5, line 6, and insert the following:

"SEC. 544. INDIAN TRIBES.

"Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to actions by federally recognized Indian tribes (including instrumentalities of such Indian tribes) under this Act.".

On page 5, after line 23, add the following:

SEC. 6. YOUTHBUILD ELIGIBILITY.

Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h–1) is amended by striking "for fiscal year 1998 and fiscal years thereafter" and inserting "for fiscal years 1998 through 2005".

The bill (H.R. 797), as amended, was read the third time and passed.

IRAN NONPROLIFERATION AMENDMENTS ACT OF 2005

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Chair now lay before the Senate the House message to accompany the bill (S. 1713) to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 1713

Resolved, That the bill from the Senate (S. 1713) entitled "An Act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Nonproliferation Amendments Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Director of Central Intelligence's most recent Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 July Through 31 December 2003, states "Russian entities during the reporting period continued to supply a variety of ballistic missile-related goods and technical know-how to countries such as Iran, India, and China. Iran's earlier success in gaining technology and materials from Russian entities helped accelerate Iranian development of the Shahab-3 MRBM, and continuing Russian entity assistance has supported Iranian efforts to develop new missiles and increase Tehran's self-sufficiency in missile production."

(2) Vice Admiral Lowell E. Jacoby, the Director of the Defense Intelligence Agency, stated in testimony before the Select Committee on Intelligence of the Senate on February 16, 2005, that "Tehran probably will have the ability to produce nuclear weapons early in the next decade".

(3) Iran has—

(A) failed to act in accordance with the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973 (commonly referred to as the "Safeguards Agreement");

(B) acted in a manner inconsistent with the Protocol Additional to the Agreement Between Iran and the International Atomic Energy Agency for the Application of Safeguards, signed at Vienna December 18, 2003 (commonly referred to as the "Additional Protocol");

(C) acted in a manner inconsistent with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly referred to as the "Nuclear Non-Proliferation Treaty"); and

(D) resumed uranium conversion activities, thus ending the confidence building measures it adopted in its November 2003 agreement with the foreign ministers of the United Kingdom, France, and Germany.

(4) On September 24, 2005, the Board of Governors of the International Atomic Energy Agency (IAEA) formally declared that Iranian actions constituted noncompliance with its nuclear safeguards obligations, and that Iran's history of concealment of its nuclear activities has given rise to questions that are within the purview of the United Nations Security Council.

(5) The executive branch has on multiple occasions used the authority provided under section 3 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) to impose sanctions on entities that have engaged in activities in violation of restrictions in the Act relating to—

(A) the export of equipment and technology controlled under multilateral export control lists, including under the Australia Group, Chemical Weapons Convention, Missile Technology Control Regime, Nuclear Suppliers Group, and the Wassenaar Arrangement or otherwise having the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems to Iran; and

(B) the export of other items to Iran with the potential of making a material contribution to Iran's weapons of mass destruction programs or on United States national control lists for reasons related to the proliferation of weapons of mass destruction or missiles.

(6) The executive branch has never made a determination pursuant to section 6(b) of the Iran Nonproliferation Act of 2000 that—

(A) it is the policy of the Government of the Russian Federation to oppose the proliferation to Iran of weapons of mass destruction and missile systems capable of delivering such weapons;

(B) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such government) has demonstrated and continues to demonstrate a sustained commitment to seek out and prevent the transfer to Iran of goods, services, and technology that could make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems; and

(C) no entity under the jurisdiction or control of the Government of the Russian Federation, has, during the 1-year period prior to the date of the determination pursuant to section 6(b) of such Act, made transfers to Iran reportable under section 2(a) of the Act.

(7) On June 29, 2005, President George W. Bush issued Executive Order 13382 blocking property of weapons of mass destruction proliferators and their supporters, and used the authority of such order against 4 Iranian entities, Aerospace Industries Organization, Shahid Hemmat Industrial Group, Shahid Bakeri Industrial Group, and the Atomic Energy Organization of Iran, that have engaged, or attempted

to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including efforts to manufacture, acquire, possess, develop, transport, transfer, or use such items.

SEC. 3. AMENDMENTS TO IRAN NONPROLIFERATION ACT OF 2000 RELATED TO INTERNATIONAL SPACE STATION PAYMENTS.

(a) TREATMENT OF CERTAIN PAYMENTS.—Section 7(1)(B) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) by striking the period at the end and inserting a comma; and

(2) by adding at the end the following:

''except that such term does not mean payments in cash or in kind made or to be made by the United States Government prior to January 1, 2012, for work to be performed or services to be rendered prior to that date necessary to meet United States obligations under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.''.

(b) EXCEPTION.—Section 6(h) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended by inserting after ''extraordinary payments in connection with the International Space Station'' the following: '', or any other payments in connection with the International Space Station,''.

(c) REPORTING REQUIREMENTS.—Section 6 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

''(i) REPORT ON CERTAIN PAYMENTS RELATED TO INTERNATIONAL SPACE STATION.—

''(1) IN GENERAL.—The President shall, together with each report submitted under section 2(a), submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report that identifies each Russian entity or person to whom the United States Government has, since the date of the enactment of the Iran Nonproliferation Amendments Act of 2005, made a payment in cash or in kind for work to be performed or services to be rendered under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto.

''(2) CONTENT.—Each report submitted under paragraph (1) shall include—

''(A) the specific purpose of each payment made to each entity or person identified in the report; and

''(B) with respect to each such payment, the assessment of the President that the payment was not prejudicial to the achievement of the objectives of the United States Government to prevent the proliferation of ballistic or cruise missile systems in Iran and other countries that have repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).''.

SEC. 4. AMENDMENTS TO THE IRAN NONPROLIFERATION ACT OF 2000 TO MAKE SUCH ACT APPLICABLE TO IRAN AND SYRIA.

(a) REPORTS ON PROLIFERATION RELATING TO IRAN OR SYRIA.—Section 2 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

*(1) in the heading, by striking ''**TO IRAN**'' and inserting ''**RELATING TO IRAN AND SYRIA**''; and*

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''or acquired from'' after ''transferred to''; and

(ii) by inserting after ''Iran'' the following: '', or on or after January 1, 2005, transferred to or acquired from Syria''; and

(B) in paragraph (2), by inserting after ''Iran'' the following: ''or Syria, as the case may be,''.

(b) DETERMINATION EXEMPTING FOREIGN PERSONS FROM CERTAIN MEASURES.—Section 5(a) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in paragraph (1), by striking ''transfer to Iran'' and inserting ''transfer to or acquire from Iran or Syria, as the case may be,''; and

(2) in paragraph (2), by striking ''Iran's efforts'' and inserting ''the efforts of Iran or Syria, as the case may be,''.

(c) RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.—Section 6(b) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in the heading, by striking ''TO IRAN'' and inserting ''RELATING TO IRAN AND SYRIA'';

(2) in paragraphs (1) and (2), by striking ''to Iran'' each place it appears and inserting ''to or from Iran and Syria''; and

(3) in paragraph (3), by striking ''to Iran'' and inserting ''to or from Iran or Syria''.

(d) DEFINITIONS.—Section 7(2) of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended—

(1) in subparagraph (C) to read as follows:

''(C) any foreign government, including any foreign governmental entity; and''; and

(2) in subparagraph (D), by striking ''subparagraph (B) or (C)'' and inserting ''subparagraph (A), (B), or (C), including any entity in which any entity described in any such subparagraph owns a controlling interest''.

(e) SHORT TITLE.—

(1) AMENDMENT.—Section 1 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 50 U.S.C. 1701 note) is amended by striking ''Iran Nonproliferation Act of 2000'' and inserting ''Iran and Syria Nonproliferation Act''.

(2) REFERENCES.—Any reference in a law, regulation, document, or other record of the United States to the Iran Nonproliferation Act of 2000 shall be deemed to be a reference to the Iran and Syria Nonproliferation Act.

Amend the title so as to read ''An Act to make amendments to the Iran Nonproliferation Act of 2000 related to International Space Station payments, and for other purposes.''.

Mr. VOINOVICH. I ask unanimous consent that the Senate concur in the House amendments, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

JAMES T. MOLLOY POST OFFICE BUILDING

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 3339 and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (H.R. 3339) to designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the ''James T. Molloy Post Office Building.''

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

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 3339) was read the third time and passed.

MAYOR JOSEPH S. DADDONA MEMORIAL POST OFFICE

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 2490, and the Senate proceed to its immediate consideration.

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

The legislative clerk read as follows:

A bill (H.R. 2490) to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the ''Mayor Joseph S. Daddona Memorial Post Office.''

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

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The bill (H.R. 2490) was read the third time and passed.

MEASURE PLACED ON THE CALENDAR—S. 1969

Mr. VOINOVICH. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1969) to express the sense of the Senate regarding Medicaid reconciliation legislation to be reported by a conference committee during the 109th Congress.

Mr. VOINOVICH. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

ORDERS FOR WEDNESDAY, NOVEMBER 9, 2005

Mr. VOINOVICH. I ask unanimous consent that when the Senate completes its business today, it stand in

adjournment until 9:30 a.m. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to an hour with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; further, that the Senate resume consideration of S. 1042, the Defense authorization bill.

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

PROGRAM

Mr. VOINOVICH. Today, we have made great progress on the Defense authorization bill, and we are now on track to complete action on it tomorrow. Tomorrow will be a very busy day with votes on the remaining amendments. Senators can expect a late night, if necessary, to finish the Defense bill. Before we leave for the week, we will also be scheduling votes on several appropriations conference reports.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. VOINOVICH. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Wednesday, November 9, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate November 8, 2005:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEITH W. DAYTON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN R. WOOD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARY D. SPEER, 0000