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House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, October 6, 2005, at 10 a.m.

Senate

TUESDAY, OCTOBER 4, 2005

The Senate met at 9:45 a.m. and was called to order by the Honorable RICHARD BURR, a Senator from the State of North Carolina.

PRAYER

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

Let us pray.

Great Shepherd of the universe, You are in our coming in and going forth. You are present with us in our mountaintop experiences but also in the valley of the shadow of death.

Lead our Senators today in the green pastures of Your wisdom and beside the still waters of Your righteousness. Let Your love motivate them to be instruments of Your providence in our world.

Inspire each of us to strive not merely for success but for faithfulness. Help us to live not looking for human approval but with our eyes steadfastly fixed on You. Grant us wisdom to clearly know and power to faithfully fulfill Your commands.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BURR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 4, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BURR thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. FRIST. Mr. President, this morning, following the 1-hour period of morning business, we will resume debate on the Defense appropriations bill. Yesterday afternoon, we locked in an agreement which requires all first-degree amendments to be filed at the desk no later than 10:30 this morning. Senators STEVENS and INOUYE will be here and be able to determine which amendments can be agreed to on both sides.

Senators are expected to come to the Senate today and offer their amendments to the Defense bill. I hope Members will take advantage of today's session and not postpone and delay until later in the week. Although we will not be voting today, the Senate can debate those amendments, and stacked votes begin tomorrow evening. I expect we will have multiple votes tomorrow evening in relation to the amendments on the Defense bill.

We will finish this bill prior to adjourning for next week's recess. We will be voting on Friday of this week. Again, we have not voted on very many Fridays over the last 8 months, but we will be voting on Friday this week.

We are also trying to reach consent agreements for consideration of the pensions bill which the Democrat leader and I were just talking about, a very important bill, and we are in the final stages of preparation of that bill. Once that is available, we will do our best as leadership to bring that to the Senate in a timely fashion. We hope to have that agreement and are also working on potential agreement on the Defense authorization bill as well. Once agreements are in place, we will be ready to bring those to our colleagues.

BALI BOMBINGS

Mr. FRIST. Mr. President, Saturday night, on the Indonesian island of Bali, suicide bombers attacked 3 crowded cafés, killing 25 people and wounding many more. People from 22 nations

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

perished in those deadly blasts. Indonesian officials are on the hunt for the masterminds of this and the October 12, 2002, attacks.

America stands ready to assist in whatever way we possibly can. Our hearts go out to the families of the people of Indonesia who, once again, have suffered at the hands of deranged killers. We know all too well the pain and anguish caused by the terrorist enemies.

Today, the Senate intends to pass a resolution expressing our deep sympathies and condolences. I will come back to the Chamber later today to pass that resolution with unanimous consent. We stand shoulder to shoulder with the Indonesian people as they bring justice to the killers.

We are at war with a barbarous and implacable foe. The killers strike in the name of Islam, but their religion is not to be found in the pages of the Koran. Their religion is found in their corrupted and blackened hearts and in their twisted and hateful minds.

Indonesia, a Muslim country, has been the target of multiple attacks. The killers seek power, squalid and absolute. Their war is on the civilized world.

Istanbul, Turkey, 2003: 56 people killed, more than 450 people injured.

Madrid, Spain, 2004: 190 people killed, 1,500 injured.

Beslan, Russia, September that year: 344 people killed, 186 of them schoolchildren.

London, UK, July 7, this summer: 52 people killed, 700 injured.

The attacks continue on the Iraqi people and the people of Afghanistan. The United States calls on the international community to renew and strengthen our efforts to defeat the killers by dismantling their network and exposing the nihilism and perversion of their aims. We urge the international community to increase the global effort to advance freedom, liberty, and prosperity, and to root out the social injustice that feeds the violence.

These are daunting challenges, to be sure. But just as surely, we have no other choice. The gauntlet was thrown for America on September 11. The enemy offers death. We must offer hope. We must shine the light of freedom wherever they live, wherever they hide, a light so dazzling that not even their shadow remains.

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

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

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the last 30 minutes now under the control of the majority leader or his designee.

The Senator from Texas.

HARRIET MIERS

Mr. CORNYN. Mr. President, I rise to commend the President on his selection of Harriet Miers to be associate justice of the Supreme Court. I have had the pleasure of knowing both Ms. Miers and the President for a number of years, from our days in Texas in State Government in particular. In Texas, President Bush had the reputation of being a uniter. Literally, we had divided government, with Democrats controlling the House and the Senate. He worked on a daily basis with Lt. Gov. Bob Bullock and Speaker Pete Laney, who were of the other party. When he came to Washington, he hoped he would find a Bob Bullock or a Pete Laney on the other side of the aisle so he could continue in that tradition, doing what he believed was best for the people who had sent him here—all the people. Unfortunately, we know that Washington's political environment is way too partisan and even poisonous.

The President has chosen wisely with this nominee. He has chosen a nominee who should, and I believe will, unite us.

I am proud to say that Harriet Miers is a fellow Texan. She was born and raised in Dallas and attended Southern Methodist University, where she received her bachelor's degree in mathematics and her law degree. That is kind of an unusual combination for lawyers. Most lawyers eschew mathematics, but she nevertheless has a bachelor's degree in mathematics. Following law school, she clerked for a Federal judge and then joined one of the finest law firms in our State, where she practiced for a number of years before she came to the attention of a Governor who would then become our current President.

As proud as I am to say that Harriet is a fellow Texan, I am even more proud to say she is a friend. I have known her for about 15 years. I have come to know her as a fine and decent human being, someone who has dedicated her life to serving others, from the clients in her law firm to the people of Texas, and now to offering herself to serve all of us in this great country.

It is especially fitting that Harriet Miers be nominated to the seat being vacated by another trailblazer, Justice Sandra Day O'Connor. Justice O'Connor was the first woman to serve on the Supreme Court of the United States. But Harriet has blazed a few trails of her own. She was the first woman hired by her law firm. She was the first woman to serve as the president or comanaging partner of that firm. She was the first woman to serve as the president of the Dallas Bar Association, and then she was later selected to be the first woman to serve as president of the State Bar of Texas, which is the association encompassing all members of the legal profession in Texas.

As these accomplishments make clear, she has had a long and distinguished professional career. Her dedication to her clients, to her community, and to the rule of law has made her a leader in my State.

Her accomplishments do not end at the border of Texas. Over the last 25 years, she has worked at the highest levels of our national Government in the White House, including serving as the President's closest legal adviser. Moreover, before she came to Washington, she was known and respected nationally for her legal skills and her advocacy for legal services being provided and available to all Americans. She was very active in the American Bar Association, and she is well known by lawyers throughout the country. We will hear increasingly more and more of them come forward to speak, without regard to partisan affiliation or other considerations.

This long and distinguished career has made Harriet well qualified to serve as an associate justice on the U.S. Supreme Court. I am not alone. She has received praise from Senators on both sides of the aisle, including the Democratic leader, the senior Senator from Nevada. She has also received praise from this side of the aisle, from our majority leader, as well as the senior Senator from Kentucky, our deputy majority leader. She is without question a consensus nominee.

I know that makes some people nervous in a body where we have become so accustomed to locking horns and fighting over so many things, some of which are important. There are contests on principle, but sometimes there are those who would pick a fight to keep that partisanship and bitterness going. The President has chosen well by choosing a consensus nominee. It is not surprising because this President has engaged in an unprecedented act of consultation on the two nominations to the Supreme Court: First, now-Chief Justice John Roberts and now soon-to-be Associate Justice Harriet Miers.

One thing you will not find in Harriet's long and distinguished career is service as a judge. I want to talk about that because some have said that that is actually a weakness. I suggest that it is not a bad thing, nor is it unprecedented. Forty-one of the one hundred and nine Justices who have served on the U.S. Supreme Court had no previous judicial experience. These 41 included some of our Nation's most influential and best-known justices—William Rehnquist, Lewis Powell, Byron White, Robert Jackson, Felix Frankfurter, Lewis Brandeis, Joseph Story, and John Marshall. Indeed, a little bit of diversity of background and experience is important to have on the Supreme Court. The Supreme Court is full of Justices who have served either as

academics or as court of appeals justice judges before they have been nominated to the Supreme Court bench. Certainly, while they are a distinguished body of jurists, what the Court is actually missing is someone who has had practical legal experience, someone who will understand the real-world consequences of the Court's decisions for the American people.

I have been one who has been concerned about the fact that the Supreme Court sometimes seems out of touch with America. When you have the Supreme Court decide that the Ten Commandments is legal in Austin but illegal in Kentucky and you have 10 different opinions for 9 Justices to explain it, clearly there is something amiss. Harriet Miers will provide a strong dose of common sense and reconnect the Court with the American people in an important way.

It is also important to have someone who has actually been elected to office, as Harriet Miers has been. She has been elected to city council in Dallas, perhaps not high national office but nevertheless an important one. Once Justice O'Connor leaves the Court, there will be no one left on the Court, but for this nominee, who has ever held elected office. There is already no one there who has ever served at the highest levels of the executive branch of Government. If it were not for newly confirmed Chief Justice John Roberts, none of the Justices would have been actively engaged in law practice in the past 35 years. Even the Chief Justice himself was primarily focused on appeals. A Justice Harriet Miers fills these gaps.

She was elected city councilwoman in Dallas. She served at the highest levels of this administration, now as White House counsel, and she has spent her entire professional career representing clients in courtrooms across the State of Texas and even across the Nation.

I am not the only one who believes practical, real-world experience is important for a nominee. The senior Senator from Nevada, the Democratic leader, yesterday said that he thought this was actually a plus, not a minus. The senior Senator from New York echoed this view, stating that the fact she hasn't been a judge before is actually a positive, not a negative. I think those sentiments are much as I have explained. Certainly, they can speak for themselves.

I know there are many Americans who are unfamiliar with Harriet Miers. This is understandable. She has been working outside of the limelight her entire career, always serving others. I have been fortunate enough to know her for about the last 15 years. I have a good feel for who she is as a person and as a highly competent practitioner. I know that she believes, as I do, that judges should not legislate from the bench. I know she believes, as I do, that judges are not some sort of elite, appointed to impose their will on the rest of us. Rather, I know she understands that unelected judges who serve in a democracy have a necessarily limited but important role—to apply the law as it was written.

Harriet aptly described this judicial philosophy yesterday when she said:

> It is the responsibility of every generation to be true to the founders' vision of the proper role of the courts in our society. If confirmed, I recognize that I will have a tremendous responsibility to keep our judicial system strong and to help ensure that the courts meet their obligations to strictly apply the laws and the Constitution.

I am confident, when the American people get to know Harriet Miers, as I have had the pleasure, they will be as supportive as I am today of this nomination. I believe the President has chosen wisely. Now it is up to us in the Senate to go forward with the confirmation process. That is not to say that her confirmation is preordained by any means but that we now have the obligation to undertake this confirmation process in a civil and dignified and respectful manner.

I would say the Senate did itself proud in the way it handled the confirmation of Chief Justice John G. Roberts. We have not always, in recent memory, done ourselves proud in the judicial confirmation process, and I am speaking specifically of the filibusters that were previously unprecedented. But hopefully this is a new day and we have learned from those lessons of the past, and we will continue in the tradition that I think we have now reestablished with John G. Roberts.

I think we can even do better this time around. For example, the last time around, some of my colleagues insisted that Chief Justice Roberts answer questions about issues and cases that were likely to come before the Court. Indeed, some of my colleagues stated they voted against his confirmation precisely because he refused to precommit on some of the hot-button issues of the day. As I said, I hope we can do even better this time.

My colleagues know that, as was Chief Justice Roberts, Harriet Miers is ethically forbidden from pledging to rule a certain way on these issues or any issues that are likely to come before the Supreme Court. It is simply unfair to her, and I think it is a threat to judicial independence to insist that any nominee pledge a certain performance when confirmed in judicial office. I think it is unfair to her to ask her a question that my colleagues know she simply cannot ethically answer.

Every nominee who has come before the Senate has followed these ethical rules and resisted making promises to politicians during the confirmation process. This tradition has come to be known as the Ginsburg standard, named for Justice Ginsburg nominated in 1993 by President Clinton. Justice Ginsburg was so steadfast and articulate in defending the right of judicial nominees declining to prejudge cases on issues that might come before them once they get on the bench that we have come to call this the Ginsburg standard.

Some of my colleagues on the other side of the aisle expressed displeasure with the Ginsburg standard during the confirmation process for Chief Justice Roberts. The one person who did not express displeasure was Justice Ginsburg. Indeed, in remarks just last week to students at Wake Forest University, Justice Ginsburg reaffirmed the Justice Ginsburg standard, and she affirmed Chief Justice Roberts' refusal to answer questions about issues that will likely come before the Court.

She said:

> Judge Roberts was unquestionably right. My rule was I will not answer a question that attempts to project how I will rule in a case that might come before the court. . . . A judge on a collegial court should never forecast how he or she would vote on particular issues. . . .

Nor, I might interject, should we want a judge who would be willing to trade a confirmation vote for a pledge of performance in office. It would threaten judicial independence, it would violate the rules of ethics, and I think it would be fundamentally unfair to people who look to the Supreme Court as the last bastion of justice in America today.

My hope is that Justice Ginsburg's endorsement of Chief Justice Roberts' confirmation conduct will persuade my Democratic colleagues to change their minds on how we ought to treat judicial nominees, including Harriet Miers. We should not treat this nominee or any nominee unfairly and demand that they inappropriately make commitments on how they will rule on hot-button issues of the day, no matter how curious we are.

I must confess I am as curious as the next person, but I recognize there is a higher duty than merely satisfying my curiosity, or anyone else's for that matter: judicial independence, judicial ethics, and the importance of not prejudging cases so that there will not only be the reality of justice being disseminated on a fair and equal basis, there will be the perception that judges have not prejudged issues or cases.

This is an important nomination for our country. The nomination of any person to serve on the Supreme Court of the United States is a celebration of our Constitution and of our Nation's commitment to the rule of law, perhaps our most important export.

It is all the more important today because this is the nomination of only the third woman to serve on our Nation's highest Court. I look forward to a dignified, civil, and respectful confirmation process in the Senate.

Mr. President, I yield the floor and 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. ALEXANDER. 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. ALEXANDER. Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes as in morning business.

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

The Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 1815 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ALEXANDER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Without objection, under the previous order, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 2863, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. I thank the Chair.

Mr. President, I come to the Chamber today to discuss amendments to promote our success in Iraq as quickly as possible, consistent with accomplishing our mission there, to hold those in charge for implementing our strategy in Iraq accountable for its success, and to do right by those bearing the burden of that conflict on our behalf, our brave military personnel and their loving families.

These amendments are designed to increase the number of armored vehicles for our troops in the field and to promote and to protect their families financially at home but, even more important, to provide a clear picture of what we are doing in Iraq and a way to measure our progress there so that we can bring our troops home with their mission accomplished.

Last week, Generals Casey and Abizaid came to Congress to inform us that the administration had finally heeded bipartisan calls from this body to develop a plan for success, a plan that goes way beyond merely asking the American people to stay the course.

During their testimony before the Armed Services Committee and in private briefings for Senators, the generals talked about the plan and how it was developed jointly with Iraqi leadership. Essentially, if the plan is to be successful, it will lead to a reduction of American forces starting next year.

In a discussion with Senator MCCAIN, General Casey had the following to say:

Senator McCain: Are you planning on troop withdrawals for next year?

General Casey: I just said that, Senator. Yes. This is a bipartisan goal that we all support. Creating a stable Iraq and bringing American men and women home safely as soon as possible consistent with success is something that we all embrace.

The generals also said that they had developed specific guidelines to allow them to measure the success of this plan. I am pleased that a plan has been developed and measurements created to gauge its success, although belatedly so. But I also know that having a plan is not nearly enough. It is the effective implementation of a strategy that will determine our ultimate success and establishing benchmarks that allow us to determine the progress that is being made. Regrettably, we have had far more of the development of a strategy and far less of the accountability for implementing the strategy so far in the Iraqi conflict. The time for changing that has come.

Successful execution of any plan includes two things that have been lacking so far—accountability and candor. My amendment brings both of these elements into the administration's war effort.

The amendment requires the Pentagon and the CIA to report to Congress and to the American people once a month on the progress they are making with regard to their own strategy and how it is faring on the measurements they have outlined to determine our success. It is their strategy, their benchmarks. If they are not being met, the administration should explain to the American people why. If no adequate explanation exists, those responsible must be held accountable. That is the way you run any business or any State, and that is the least we can expect when waging war.

These benchmarks are crucial to gauging our progress and are vital to achieving our success. They were included in an unclassified document provided to the Congress this last week, the title of which is ''Transitional Readiness Assessment.'' It provides seven different measurements to determine how we are doing in Iraq: first, overall readiness; second, the number of Iraqi personnel; third, their command and control capability; fourth, the level and effectiveness of their training; fifth, the sustainment and logistics of those Iraqi units; sixth, the level of their equipment; and seventh, the quality of their leadership.

It is vitally important that we share our progress or lack thereof in meeting these objectives with the American people. The American people are paying for this conflict with their money and their blood. They deserve to know how we are doing.

One of the challenges of any military effort is to build and maintain public support. To date, the administration has provided rosy assessments that conflict so clearly with the reports from Iraq and the images on television. It is no surprise that the public's patience is growing thin.

The American people can withstand adversity. What they won't stand for—and rightfully so—is being kept in the dark or being misled. That is why it is so critical that we provide the American people with an accurate assessment of our current situation, to plan for our success and let our people know and let them evaluate the progress we are achieving toward making that success.

I hope this amendment can be a bipartisan one. It seeks to achieve the twin goals of accountability and candor that I have heard embraced by our colleagues from both sides of the aisle.

In addition to this amendment, I have also introduced an amendment to provide our troops fighting in Iraq with the equipment they need in the field and the support their families deserve at home.

The Army has chronically underestimated—nine consecutive times, in fact—the need for up-armored vehicles in the Iraqi theater. Nine consecutive times they have gotten it wrong. They no longer deserve the benefit of the doubt. Regrettably, Walter Reed Hospital and our other military hospitals in this Nation are filled with too many of the young men and women who have paid the consequence for these errors. We must do everything humanly possible to make sure no further errors take place.

My armor amendment will provide enough funding to rebuild the Army stocks of up-armored HMMWVs as well as the armored vehicles used for cargo and troop transportation. With it, the military's depleted stock of armored vehicles will be made whole, ensuring that all of our troops have the protection they need while serving in both Iraq and Afghanistan—no more pleas to end hillbilly armor. One of the lessons learned in Iraq, along with the tragic Hurricane Katrina, is that when lives are at stake, it is incumbent upon us to err on the side of doing more rather than less. Let us get it right this time.

For the families of our loved ones serving in harm's way, we must ensure that no one faces financial hardship because of their service overseas. Yet there is a growing body of evidence suggesting that the financial rights of service men and women are being abused or ignored. That must stop.

Guard members who are called to active duty often face what I call a patriot penalty—a pay cut representing the difference between their civilian and Active-Duty pay. As a result, many families struggle to meet their mortgage payments or pay their heating

bills. My amendment would eliminate this patriot penalty and ensure that no one takes a pay cut for serving their country.

Some families struggling with bills have even faced eviction or foreclosure despite laws already on the books designed to protect them. Financial institutions say they are not aware of these special protections, but ignorance is no excuse. My amendment would enable the regulators who oversee our financial institutions to put a stop to this odious practice. Financial institutions must learn the law, and they must follow it. My amendment will force the administration to educate our troops about their rights and punish those who wrongfully take away our troops' homes.

When we send troops into battle, we are asking them and their families to be willing to make the ultimate sacrifice. They are giving us everything. Giving them a realistic plan for success, along with the equipment they will need in the field to accomplish that success and the support their families deserve at home, is the least we can do for them. We owe it to them to do it right. That is what these amendments, when taken together, will accomplish.

I thank the Chair and my colleagues for their patience.

I call up the amendments numbered 1993, 1940, 1998, and 1933.

The PRESIDING OFFICER. It would require unanimous consent to take up those amendments en bloc.

Mr. BAYH. Mr. President, I ask unanimous consent to call the amendments up en bloc.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, reserving the right to object, we would like to first examine those amendments.

Mr. BAYH. By all means.

The PRESIDING OFFICER. Does the Senator object?

Mr. STEVENS. I suggest the absence of a quorum.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. 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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. STEVENS. Mr. President, I should notify the Senator from Indiana that these are amendments offered to the Armed Services Committee amendment, and we do not intend to support any amendments to the amendment until we can determine if there is going to be a time agreement on the basic underlying amendment. The full Armed Services Committee bill contains some 80 amendments already and has some 240 other amendments pending.

I object, and I hope the Senator will confer with us on procedures so we might be able to work this out.

The amendment is subject to rule XVI. I do not believe we should take the time of the Senate to agree to the amendments on which we are going to raise a point of order under XVI unless there is a time agreement on the overall amendment offered by the Armed Services Committee.

We will object to any amendments to this amendment, and we will further, at the appropriate time, raise this point of order under rule XVI to the amendment offered by the Senator from Virginia, the chairman of the Armed Services Committee.

Mr. BAYH. Mr. President, I would be pleased to work with my colleagues to clarify the substance of the amendments and to work on the issues regarding any of them.

I have been advised to call up my amendment No. 1933, which is an appropriations amendment.

Mr. STEVENS. Mr. President, if the Senator from Indiana would confer with us, I find that one of the amendments he has offered is not an amendment to the Armed Services Committee amendment but is, in fact, an amendment to the bill itself. We will be happy to discuss that with the Senator. I again urge him not to pursue this at this time.

AMENDMENT NO. 1933

Mr. BAYH. 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 Indiana [Mr. BAYH] proposes an amendment numbered 1933.

Mr. BAYH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with to give us an opportunity to discuss the substance of the amendment and time consideration.

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

The amendment is as follows:

(Purpose: To increase by $360,800,000 amounts appropriated by title IX for Other Procurement, Army, for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan or to reconstitute Army Prepositioned Stocks–5 and the Joint Readiness Training Center at Fort Polk, Louisiana, and to increase by $5,000,000 amounts appropriated by title IX for Research, Development, Test and Evaluation, Defense-Wide, for industrial preparedness for the implementation of a ballistics engineering research center)

On page 238, between lines 4 and 5, insert the following:

SEC. 9014.(a)(1) The amount appropriated by this title under the heading ''OTHER PROCUREMENT, ARMY'' is hereby increased by $360,800,000.

(2) Of the amount appropriated by this title under the heading ''OTHER PROCUREMENT, ARMY'', as increased by paragraph (1)—

(A) $360,800,000 may be made available for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan; or

(B) if the Secretary of the Army determines that such amount is not needed for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan—

(i) up to $247,100,000 may be available for the procurement of armored Tactical Wheeled Vehicles to reconstitute Army Prepositioned Stocks–5, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), and armored Heavy Tactical Vehicles (HTVs) for purposes of equipping one heavy brigade, one infantry brigade, and two infantry battalions; and

(ii) up to $113,700,000 may be available for the procurement of armored Tactical Wheeled Vehicles for the Joint Readiness Training Center at Fort Polk, Louisiana, including the procurement of armored Light Tactical Vehicles, armored Medium Tactical Vehicles, and armored Heavy Tactical Vehicles for purposes of equipping one infantry brigade combat team in order to permit such vehicles to be used for the training and preparation of troops, prior to deployment, on the use of such vehicles.

(b)(1)(A) The amount appropriated by this title under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' is hereby increased by $5,000,000.

(B) Of the amount appropriated by this title under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', as increased by subparagraph (A), $5,000,000 may be available for the establishment of the ballistics engineering research center under paragraph (2).

(2)(A) The Secretary of Defense shall create a collaborative ballistics engineering research center at two major research institutions.

(B) The purpose of the research center established under subparagraph (A) shall be to advance knowledge and application of ballistics materials and procedures to improve the safety of land-based military vehicles, particularly from hidden improvised explosive devices, including through the training of engineers, scientists, and military personnel in ballistics materials and their use.

Mr. STEVENS. Mr. President, I inform the Senator from Indiana that we would oppose this amendment in any event because the bill already contains an additional $390 million, $30 million more than is already proposed by this amendment, for armored tactical wheeled vehicles.

This bill before us now has $240 million for the up-armored HMMWVs or the armored light tactical vehicles and has $150 million for the armored tactical wheeled vehicles. The Senator's amendment is duplicative of the amendment we have already accepted to the bill, and we cannot add that much more money to the Senator's amendment which is before us, No. 1933.

I urge the Senator to take a look at the RECORD and withdraw the amendment because there we are adding too much to that one section and we could not accept this amendment. It would earmark funding for tactical wheeled vehicles if armory funds are not needed for units deployed in Iraq and Afghanistan. We do not think we should earmark critical force protection equipment funds. Some of this work is done in one place, some in another.

I indicated that we already have added $30 million more than the Senator proposes to add to the bill. We

agree with the Senator in terms of the need, and that is why we have already added money, as I mentioned before.

I hope the Senator will look at what we have already done.

Mr. BAYH. Mr. President, I would be delighted to discuss this matter with the Senator.

The heart of my concern is that there has been a consistent pattern of underestimating our need, and the depletion of the stockpile means if they yet again underestimated the need, it would not be available for quick deployment in the theater, which would leave our troops short again. That is the basis of my concern. We would be delighted to discuss it with the Senator.

Mr. STEVENS. I would be happy to do that.

During the past recess the first part of September, along with Senator WARNER and Senator KERRY, I went to Iraq. We saw the vehicles there being up-armored, and we saw, as a matter of fact, some of the trucks that are being up-armored. We have, as I have indicated, since that time increased the amount of money that is available.

Further, we are asking the Army for a detailed list of equipment requirements that are needed. The Army submitted a $6 billion list of requirements, and the funding sought with this amendment was not included in the list. We have already reprogrammed more money which far exceeds the Army's validated requirements. We did that before the end of September. I believe this amendment is unnecessary.

Further, it would be subject to a point of order, I am informed, under section 402 of the budget resolution that allows $350 billion for contingency operations spending for the year 2006. Title IX of this bill uses that entire $350 billion. Any funding in excess of that amount for the contingency operations would score and subsequently would add appropriations to title IX which would be subject to a point of order under section 302(f), far exceeding the committee's 302(b) allocation.

I urge the Senator to again confer with us because we have allocated money twice in this area since the trip we took to Iraq. I think we have provided more money than is necessary, as a matter of fact.

Mr. BAYH. I say to my friend and colleague, I look forward to conferring with him. It is neither his intentions nor his actions which I question; both his intentions and actions have been quite commendable. It is the advice of the Army which has consistently proven to be wrong, which we are relying on, that I question. That is the nature of the discussion I look forward to having.

Mr. STEVENS. What is the status of the amendments at this time?

The PRESIDING OFFICER. The amendment numbered 1933 is pending.

The Senator from Indiana.

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

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

AMENDMENT NO. 1978

Mr. MCCAIN. Mr. President, I call up amendment No. 1978, which is at the desk.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. BIDEN, Mr. GRAHAM, Mr. LEAHY, and Mr. DEWINE, proposes an amendment numbered 1978.

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

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

The amendment is as follows:

(Purpose: To prohibit the use of funds to pay salaries and expenses and other costs associated with reimbursing the Government of Uzbekistan for services rendered to the United States at Karshi-Khanabad airbase in Uzbekistan)

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be obligated or expended during fiscal year 2006 for paying salaries and expenses or other costs associated with reimbursing or otherwise financially compensating the Government of Uzbekistan for services rendered to the United States at Karshi-Khanabad airbase in Uzbekistan.

Mr. MCCAIN. Mr. President, this amendment is a pretty simple one. It would prohibit for 1 year the transfer of millions of dollars in cash to the Government of Uzbekistan; I believe $22 or $23 million.

I am pleased to be joined by Senators BIDEN, GRAHAM, LEAHY, and DEWINE, who have cosponsored the amendment. The Pentagon notified the Congress this summer that it intends to pay $23 million in ''coalition support funds'' to Uzbekistan, designed to cover past costs associated with the use of the K2 base there. If you have seen this base in the news lately, it is because it is the location from which the Government of Uzbekistan recently evicted all U.S. personnel. Uzbekistan was at one point a partner in the war on terror. It is no longer. And turning over ''coalition support funds,'' at this point, debases the meaning of the term ''coalition.''

The amendment I am proposing would prohibit this payment for 1 year at which point the Congress can decide whether to renew the prohibition or make the payment.

America keeps its promises to our coalition partners, but we also expect our partners to keep their promises to us. We are not in the business of paying dictatorial, repressive, brutal governments.

Let me review a few of the more egregious examples of Uzbekistan's relationship with us and their abuse of human rights. In May, the Government launched a brutal crackdown in the city of Andijan after protestors stormed a prison and local government headquarters. Eye witnesses estimated the dead at somewhere between 500 and 1,000 and said that the vast majority were unarmed men, women, and children protesting the Government's corruption, lack of opportunity, and continued oppression. In addition to those killed, many others were wounded, and at least 500 fled across the border into Kyrgyzstan.

The Government has rejected all calls for an independent international inquiry into the massacre. The entire European Union has demanded an investigation into the massacre. Tashkent has put the official death toll at just 187 and blamed a foreign conspiracy for the protest. It even placed blame on the United States for the events saying that rebels received money from the U.S. Embassy in Tashkent.

The Uzbek Government launched a campaign of anti-American propaganda after its massacre, staging rallies to denounce the United States and accusing the United States of fomenting Islamic extremism in the guise of promoting democracy.

President Karimov—and I use the term ''president'' loosely—President Karimov suggested that the United States was behind both the events in Andijan and the ''colored revolutions'' in other countries.

I remind my colleagues that Uzbekistan agreed to host U.S. forces on its soil to support continuing coalition combat efforts in Afghanistan. Our troops in Afghanistan are still fighting the Taliban. Insurgents have killed hundreds of people, including dozens of Americans, in the last few months. Yet with this going on and with our mission clearly unfinished, in July Uzbekistan ordered the United States to leave the country.

Just last week, the Washington Post ran an article entitled ''Uzbeks Stop Working With U.S. Against Terrorism,'' which describes how Tashkent has decided to abridge its 2002 agreement with President Bush and terminate its counterterrorism cooperation with America. One sentence in this article bears particular notice: ''The Bush administration,'' the article reads, ''has concluded that Karimov fears democracy more than terrorism, officials said.''

This is the same country that Pentagon officials were describing quite recently as a ''very valuable partner and ally in the global war on terror.'' But Uzbekistan is not a valuable partner and ally; it is part of the problem. This week, the European Union announced that it will impose sanctions

against the Uzbek Government for its refusal to accept an international inquiry into the Andijan massacre. This is the kind of response we should be considering to these outrageous actions, not the best way to transfer $23 million in funds from the U.S. Treasury.

The Pentagon wants to pay Tashkent on the principle that America pays its bills for services rendered. I support that principle, but so, too, do I support America standing up for itself in the world and spending taxpayers' money wisely, avoiding the misimpression that we overlook massacres, and avoiding cash transfers to the treasury of a dictator just months after he permanently evicts American soldiers from his country.

I intend to have printed in the RECORD the assessment of every human rights organization in the world of this brutal, oppressive dictatorship. This is a person who just orchestrated a massacre of somewhere, estimates are, around 1,000 of its citizens. This is a government that is illegitimate in that Karimov keeps himself in power through edict. This is a corrupt government in that there is continued repression and oppression of human rights.

Mr. President, I suggest that if the Government of Uzbekistan allowed a full-scale investigation by the European Union and the results are known, then maybe at that time it would be appropriate to give them this money.

Also, let's keep in mind what this brutal and oppressive dictator will do with $23 million of American money. His prisons are full. There is no free press. There is no freedom of movement. It is an oppressive, repressive regime of the old Stalinist style.

I am not saying the United States should not pay its bills. What I am saying is that we should demand at least an investigation of what happened in Andijan some months ago when hundreds, if not a thousand, of its citizens innocently gathered to protest the policies of their government: they were fired on and killed in the most wanton fashion.

The Washington Post article reads:

The government of President Islam Karimov, one of the most authoritarian to emerge from the collapse of the Soviet Union, has made a broader strategic decision to move away from the 2002 agreement made with President Bush after the Sept. 11, 2001, attacks and is cooling relations with Europe as well. . . .

The move follows tough criticism from Washington—

I might say not the Pentagon—

and the European Union over Uzbekistan's crackdown on protests in May in the Andijan province, where human rights and opposition groups say hundreds died. Uzbekistan has charged that terrorists initiated the violence.

As tensions deepen, Karimov is shifting his strategic alliance toward Russia and China. . . . In July, Tashkent banned U.S. troops and warplanes from what is known as the [K2 airbase] which was used for counterterrorism, military and humanitarian missions.

The European Union is not renowned to take the lead on some issues. I am proud that the European Union imposed sanctions on Uzbekistan today seeking to punish, according to the New York Times, October 3, 2005:

. . . seeking to punish the Central Asian nation for its refusal to allow an international investigation into the bloody crackdown of an uprising in May in the northeastern city of Andijon.

The sanctions against Uzbekistan impose an embargo on exports of arms and equipment that might be used for internal repression and suspend meetings between the European Union and Uzbekistan that were aimed at accelerating the former Soviet state's rapprochement with the West. They will also forbid the travel of Uzbek officials directly involved [in] the crackdown to the 25 European Union states.

Survivors and independent organizations claim—

This is survivors, their actual statements—

and independent organizations claim that hundreds of people were killed, almost all of them unarmed. Uzbekistan, an autocratic state that had been an ally with the Bush administration's counter-terrorism efforts, has argued that the crackdown was a necessary counter-terrorism operation, and said only 187 people, principally Islamic terrorists, were killed. It has stubbornly resisted calls for an open investigation of its crackdown of the uprising.

As criticism over the violence mounted in the spring and summer, Uzbekistan sharply shifted its foreign policy, aligning itself more closely with Russia and China and trimming its relations with the West. In July, it ordered the United States to leave an airbase it has been using since 2001, an eviction now scheduled for early next year.

Last month, Uzbekistan hosted a small joint military exercise with Russian troops, signaling its new allegiances.

Meeting in Luxembourg, the foreign ministers of European Union states approved the sanctions an initial period of one year, allowing for a review in 2006 of Uzbekistan's willingness to ''adhere to the principles of respect for human rights, rule of law, and fundamental freedoms.''

A fundamental pillar of this administration's policy and previous administrations is the adherence to principles of respect for human rights, rule of law, and fundamental freedoms, all of which are routinely violated by this thug Karimov and his government.

Mr. President, I ask unanimous consent that the New York Times article, the Washington Post article I just cited, an article from Defense News, an article from Reuters, and an article entitled ''Andijan Show Trial Proceedings'' be printed in the RECORD.

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

[From the New York Times, Oct. 3, 2005.]

EUROPEAN UNION IMPOSES SANCTIONS ON UZBEKISTAN

(By C.J. Chivers)

MOSCOW.—European Union nations imposed sanctions on Uzbekistan today, seeking to punish the Central Asian nation for its refusal to allow an international investigation into the bloody crackdown of an uprising in May in the northeastern city of Andijon.

The sanctions against Uzbekistan impose an embargo on exports of arms and equipment that might be used for internal repression and suspend meetings between the European Union and Uzbekistan that were aimed at accelerating the former Soviet state's rapprochement with the West. They will also forbid the travel of Uzbek officials directly involved in the crackdown to the 25 European Union states.

The decision followed months of diplomatic tension between much of the West and Uzbekistan after a prison break and antigovernment demonstration on May 13. The demonstration, which survivors said included several thousand people, was scattered by gunfire from Uzbek troops and armored vehicles.

Survivors and independent organizations claim that hundreds of people were killed, almost all of them unarmed. Uzbekistan, an autocratic state that had been an ally with the Bush administration's counterterrorism efforts, has argued that the crackdown was a necessary counter-terrorism operation, and said only 187 people, principally Islamic terrorists, were killed. It has stubbornly resisted calls for an open investigation of its crackdown of the uprising.

As criticism over the violence mounted in the spring and summer, Uzbekistan sharply shifted its foreign policy, aligning itself more closely with Russia and China and trimming its relations with the West. In July, it ordered the United States to leave an airbase that it has been using since 2001, an eviction now scheduled for early next year. Last month, Uzbekistan hosted a small joint military exercise with Russian troops, signaling its new allegiances.

Meeting in Luxembourg, the foreign ministers of European Union states approved the sanctions for an initial period of one year, allowing for a review in 2006 of Uzbekistan's willingness to ''adhere to the principles of respect for human rights, rule of law and fundamental freedoms.''

The trade ban covers weapons and ammunition, as well as dozens of items that could be used in crackdowns and police work, including helmets and certain types of body armor, vehicles equipped with armor, leg irons, shackles, tear gas, water cannons, riot shields, fingerprint equipment, search lights, equipment for intercepting or jamming communications and night vision goggles.

The sanctions also suspended scheduled meetings under the so-called Partnership and Cooperation Agreement, the blueprint that since 1999 has helped develop the European Union's political relations with Uzbekistan and guide economic relations in trade, transport, customs, postal services, telecommunications and other areas.

Human Rights Watch, the New York-based organization, which has investigated the crackdown and repression in the months since, hailed that move, saying it was the first of its kind in the European Union's history.

But although the sanctions mark a clear rebuke of the Central Asian state, they have a limited ability to undermine Uzbekistan's military or police capabilities.

While Uzbekistan has often accepted Western security aid, its military, intelligence and police forces are overwhelmingly equipped with Soviet-era military hardware, which continues to be manufactured and sold by Russia, China and other states outside of the European Union.

Moreover, Russia has made clear it will not honor the embargo, which may create fresh trade opportunities for its arms industry, a sector that has rebounded in recent years under prodding from President Vladimir V. Putin.

''There are no restrictions on weapons supplies to Uzbekistan,'' Russia's defense minister, Sergei Ivanov, said last week in anticipation of the embargo, according to the

Interfax news agency. ''We will continue to develop further relations with Uzbekistan.''

The potential effects of the travel restrictions to Western Europe are also uncertain.

The Uzbek president, Islam A. Karimov, and the nation's interior minister, Col. Gen. Zakirdzhon Almatov, were in Andijon during the uprising, and survivors have accused them of ordering and directing the violence against the crowd.

But the European Union has not yet drawn up a public list of officials it suspects of involvement in the violence, so it was not immediately clear which officials might face the travel restrictions. A European Union spokesman said the list will be compiled now that the sanctions have been approved.

[From the Washington Post, Sept. 30, 2005]

UZBEKS STOP WORKING WITH U.S. AGAINST TERRORISM

(By Robin Wright)

After cutting off U.S. access to a key military base, Uzbekistan has also quietly terminated cooperation with Washington on counterterrorism, a move that could affect both countries' ability to deal with al Qaeda and its allies in Central Asia and neighboring Afghanistan, U.S. officials said.

The government of President Islam Karimov, one of the most authoritarian to emerge from the collapse of the Soviet Union, has made a broader strategic decision to move away from the 2002 agreement made with President Bush after the Sept. 11,2001, attacks and is cooling relations with Europe as well, the officials said.

The move follows tough criticism from Washington and the European Union over Uzbekistan's crackdown on protests in May in Andijan province, where human rights and opposition groups say hundreds died. Uzbekistan has charged that terrorists initiated the violence.

As tensions deepen, Karimov is shifting his strategic alliance toward Russia and China, the officials said. In July, Tashkent banned U.S. troops and warplanes from the Karshi-Khanabad air base, which was used for counterterrorism, military and humanitarian missions.

Because of the internal Uzbek crackdown, the European Union laid the groundwork yesterday for a vote expected on Monday to impose new sanctions on Uzbekistan for failing to allow an independent international inquiry of the Andijan incidents. The measures include an embargo on arms and any equipment that could be used for internal repression, and visa restrictions for any Uzbek official linked to the violence, European diplomats said.

Senior officials from the State Department, the Pentagon and the National Security Council held three hours of talks with Karimov on Tuesday to express US. concern about Uzbek human rights violations and the deterioration in relations between the two countries.

''We do want to cooperate, but it has to be across the board, not just on counterterrorism and security but also to support democratic and market reforms,'' Assistant Secretary of State Daniel Fried said yesterday in a telephone interview from Kazakhstan. He called the recent Uzbek decision to cut back on counterterrorism cooperation ''very disappointing. ''

A spokesman from the Uzbek Embassy in Washington said his nation is still cooperating with the United States but would not comment further.

The E.U. has been pressuring Washington to impose similar sanctions, but the Bush administration wants to give Karimov one last chance to renew cooperation. ''The United States is going to look very closely at whether Karimov responds to our message, and, if not, we will draw conclusions,'' Fried said. ''We're not talking about six months. My purpose was not to drag out the process.''

The Bush administration has concluded that Karimov fears democracy more than terrorism, officials said. The biggest threat to his government is the Islamic Movement of Uzbekistan, which a State Department report says has been involved in attacks on U.S. forces in Afghanistan and has plotted attacks on U.S. diplomatic facilities in Central Asia. Aligned with al Qaeda, it seeks to overthrow Karimov and create an Islamic government, the report says.

The Uzbek issue is gaining more attention on Capitol Hill. Reps. William D. Delahunt (D–Mass.) and Lloyd Doggett (D–Tex.) held a news conference yesterday to urge the White House to end all Pentagon payments to Tashkent and to go to the United Nations to bring the Uzbek leader to justice.

Karimov ''inflicts immeasurable pain and misery on his own people and then evicts us from a strategic military facility—and the Pentagon's idea of a penalty is the gift of millions of U.S. tax dollars,'' Delahunt said. The Pentagon recently agreed to pay $23 million for past use of the K–2 air base.

[From Defense News, Sept. 28, 2005]

U.S. TO LEAVE UZBEK AIR BASE: OFFICIAL)

(By Agence France-Presse)

The U.S. military will vacate a military air base it had been using in Uzbekistan without further discussion, as demanded by the Uzbek authorities, a senior U.S. official confirmed on Sept. 27. ''We intend to leave the base without further discussion,'' Dan Fried, assistant secretary of state for European and Eurasian affairs, told reporters after meeting here with Uzbek President Islam Karimov.

Fried also confirmed Washington would pay Uzbekistan 23 million dollars for the past use of Karshi-Khanabad air base, also known as K–2, despite objections by members of the U.S. Congress. Uzbekistan in July gave the U.S. military six months to end operations at K–2, effectively severing a partnership that sprang up in 2001 on the eve of the U.S. military campaign to oust the Taliban in Afghanistan.

Uzbek lawmakers ratified the eviction notice last month. The base was a crucial staging area for U.S. forces operating in northern Afghanistan, and after the war became a hub for flights carrying supplies for U.S. and NATO forces in the country.

The eviction notice came after Washington called for an international investigation into last May's crackdown in the eastern city of Andijan that the government said left 187 people dead but which human rights groups said amounted to a massacre of civilians. Fried admitted to differences with Karimov during his meeting with the Uzbek leader.

''We did not agree on all issues and made it clear we support civil society and NGOs around the world just like foreign NGOs can operate in the U.S.,'' he said. Several international non-governmental organizations accuse the Uzbek authorities of having killed hundreds of unarmed civilians in Andijan. Fried said his visit came after a difficult period in U.S.-Uzbek relations, ''which included human rights issues and Andijan events. ''

He said his message to Uzbek officials was to determine a basis on which U.S.-Uzbek relations and cooperation could move ahead, provided such notions as democracy, human rights and political reforms were taken into account. He also denied allegations by one of 15 alleged Islamist insurgents on trial over the Andijan bloodshed that the U.S. embassy had provided funding to his group.

''The assertions about helping Islamic insurgents are ludicrous and no credible,'' he said. Fried was scheduled to meet representatives of Uzbek civil society groups on Wednesday, and was later due to visit Kazakhstan and Kyrgyzstan for talks on bilateral and regional issues, including the fight against terrorism, officials said.

[From Reuters Foundation, Sept. 30, 2005]

CENTRAL ASIA: WEEKLY NEWS WRAP

(Source: IRIN)

ANKARA.—The trial of 15 men accused of plotting to overthrow the Uzbek government in the eastern city of Andijan entered its second week in the Uzbek capital, Tashkent.

Upwards of 1,000 civilians may have been killed in Andijan on 13 May, according to some rights groups, when security forces opened fire on protesters demonstrating against the government of Uzbek President Islam Karimov, who has ruled Central Asia's most populous state since the collapse of the former Soviet Union in 1991.

Despite international pressure, Tashkent has rejected all requests for an independent international inquiry, placing the official death toll at 187.

The 15 men have pleaded guilty to trying to overthrow the Uzbek government and create an Islamic state in a violent uprising that prosecutors maintain was stoked by Western media. More than 100 people face charges that include murder, fomenting mass arrest and an attempted coup.

On Monday, three defendants testified they had trained at military camps in neighbouring Kyrgyzstan, further backing Tashkent's claim of a conspiracy that included foreign fighters and funding, one AFP report said.

''We were given money by the U.S. embassy to achieve our goals,'' Tavakkalbek Hojiyev, one of the alleged insurgents, reportedly told the court.

But human rights groups, who have repeatedly called for international pressure, maintain the well orchestrated trial was merely a concerted effort to bury the truth.

On Thursday, the European Union (EU) answered those calls by announcing it would impose ''smart sanctions'' on Tashkent following its refusal to allow for an international inquiry.

The decision, to be approved by EU foreign ministers on Monday, marks a hardening stance by the international community against Tashkent, Britain's Telegraph newspaper reported. Criticism of the Uzbek authorities from Washington has already led to the U.S. being ordered to remove its airbase at Karshi-Khanabad, in the southeast, the report added.

Once a staunch ally in America's wars against terror, relations between the two countries have soured over Andijan. On Monday, the U.S. vowed not to trade democratic principle for continued use of the base, the AFP reported.

EU diplomats reportedly said the sanctions would include redirecting EU funds from the Uzbek government to grassroots organisations, banning senior Uzbek government figures from visiting European countries and halting the sale of weapons.

Moving to Tajikistan, Tajik President Emomali Rahmonov on Tuesday told a conference on coordinating donor aid to protect the Tajik-Afghan border that the situation with regard to drug proliferation was in hand.

Despite a lack of military equipment, Tajik border guards had proved they could protect their 1,206 km border on their own, following the departure of Russian troops in the area in June, the president claimed. The country has become a major route for drugs

smuggled to Europe and Russia from Afghanistan.

One day earlier, U.S. Ambassador to Tajikistan Richard Hoagland and Minister of Foreign Affairs Talbak Nazarov signed a Letter of Agreement for U.S. $9 million to assist the country's border guards. According to an embassy statement, the funding would provide infrastructure improvements, border outpost development, transportation and other necessary equipment for the guards.

The funding is part of the U.S. Department of State's Bureau of Narcotics and Law Enforcement Affairs continuing support for Tajikistan's border guards, the Tajik Drug Control Agency and the Ministry of Interior. Since December 2004, Washington has provided or is in the process of providing over $16 million worth of assistance to the former Soviet republic's law enforcement agencies.

Staying in Tajikistan, Tajik authorities on Tuesday confirmed the arrest of a Russian citizen who allegedly belonged to the outlawed Islamic Movement of Uzbekistan (IMU), the AP said.

Blamed for a series of armed incursions into Uzbekistan in 1999–2001, as well as other attacks, the IMU has been designated by the U.S. State Department as a terrorist organisation, the report added.

Kyrgyzstan's parliament on Tuesday turned down six of 16 candidates proposed by President Kurmanbek Bakiyev to form a new cabinet, including his close ally Roza Otunbayeva, who was nominated to head the foreign ministry.

According to the AP, many lawmakers, many of whom were holdovers from the era of Bakiyev's ousted predecessor, Askar Akayev, also rejected the appointment of Bakiyev's nominees for the cabinet's chief of staff as well as culture, labour and transport ministers and the head of the migration service.

On 1 September, parliament approved Felix Kulov as prime minister. Kulov was a former security chief who had been jailed by Akayev for alleged corruption, the reported said.

Meanwhile in Kazakhstan, Reporters Without Borders (RSF) on Wednesday condemned the action of the Kazakh printing press Vremia Print in unilaterally terminating contracts to print seven opposition newspapers without explanation on Monday.

''It is unacceptable that the Kazakh public is being deprived of independent and opposition news in the run-up to the 4 December presidential elections,'' the press watchdog group said. ''We call on President Nursultan Nazarbayev to respect press diversity, especially at such a crucial moment in the country's political life.''

Print media had proven the only source of independent news in Central Asia's largest state, as all TV stations were controlled by Nazarbayev associates, RSF claimed.

Lastly in Turkmenistan, the Turkmen Initiative for Human Rights announced that all Russian schools which used to operate had been transformed into Turkmen schools. Yet, one class with Russian as the language of instruction would remain in each of the schools.

With Russian schools being closed and demand for Russian instruction exceeding available places, only those children whose parents held Russian citizenship or a migrant status to Russia would be allowed to attend, the Vienna-based group noted on Tuesday.

ANDIJON SHOW TRIAL PROCEEDINGS: TESTIMONY OF HOSTAGES, ACCUSATIONS AGAINST THE U.S. AND PRESS

UZBEKISTAN: DEFENDANTS IN ANDIJON TRIAL REITERATE GUILT, BLAME OTHERS

PRAGUE.—The defendants allegedly behind the May uprising in the eastern Uzbek town of Andijon are confessing to the charges and saying foreign countries instigated the revolt.

One of the defendants, Tavakalbek Hojiev, said yesterday that the U.S. Embassy in Tashkent financially supported the uprising. He did not provide any evidence but said he was informed about the fact by another man—Qobiljon Parpiev—whom the Uzbek government has accused of helping instigate the violence.

''He [Parpiev] told me that the U.S. Embassy has allocated the money [for the uprising.]'' Hojiev said. ''And if our action in Andijon would not succeed we had to leave for Kyrgyzstan. He said that this was the plan. According to this plan, we left for Kyrgyzstan.''

Parpiev was among the protesters who seized the regional administration building in Andijon on 13 May. He escaped when Uzbek forces opened fire on protesters, and fled the country.

Hojiev said the aim of foreign countries allegedly assisting the revolt was to overthrow the Uzbek government by provoking a ''colored revolution.''

U.S. State Department spokesman Sean McCormack, speaking yesterday at a news briefing in Washington, denied any links between the U.S. Embassy in Tashkent and the Andijon unrest.

''With respect to Andijon, we continue to support an independent, international inquiry,'' McCormack said. ''As for Embassy involvement in this tragic incident, this has come up before and there's just no basis for it.''

Three defendants—all ethnic Uzbeks with Kyrgyz citizenship—said yesterday that they received training at a camp in Kyrgyzstan. One of them, identified as Burkhanov, said one of the instructors was a red-haired, blue-eyed Chechen named Mamed who taught them how to operate weapons and dig trenches.

''Three of us were brought to a firing range in Teke (a village in the Osh region of Kyrgyzstan),'' Burkhanov said. ''When we arrived, there were three strangers besides people we already knew. We greeted them and (alleged militant) Akrom Mamadaliev introduced them to us. One of them was named Mamed. lie had red hair, blue eyes, and a beard. Then Akrom Mamadaliev told that man (Mamed) and another man to train us. Then we stepped into a room and Mamed showed us how to disassemble and assemble [a weapon].''

Kyrgyz authorities have refuted any efforts to link Kyrgyzstan to the events in Andijon.

FORMER HOSTAGES TESTIFY IN UZBEK UPRISING TRIAL

TASHKENT—Former hostages and other witnesses testified Wednesday in the trial of 15 alleged participants in a May uprising that was brutally suppressed by Uzbek government troops.

Former hostage Rakhimjon Kurbonov, a van driver, said he was shot in the back and the leg when rebels used him as a human shield. He also said he had been beaten up by relatives of some of the 23 religious businessmen whose trial on extremism charges sparked the uprising.

Former hostage Bakhtiyor Murodov, a government official, said he was severely beaten and tortured by rebels and urged judges to sentence the defendants to death for ''betraying humanity and their motherland.''

Another ex-hostage, Oibek Tojiboev, said the rebels had threatened to soak the hostages in petrol and set them on fire.

Dilshodbek Usmonov, a police officer, told court on Wednesday he had been taken hostage by ''a crowd of armed plainclothes men.''

Usmonov also accused some journalists who entered regional government headquarters seized by the rebels to talk to their leaders of ignoring ''wounded and bloodied hostages.''

''What kind of journalists are they?'' he asked. ''They don't care about the suffering of ordinary people.''

UZBEK ''VICTIMS'' URGE CAPITAL PUNISHMENT FOR TERROR SUSPECTS

TASHKENT—Victims of the Andijon events are demanding capital punishment for defendants in court in Tashkent. Capital punishment is executed by firing squad in Uzbekistan.

Giving testimony, Odiljon Mansurov, director of a transport company, said that his car had been stopped by unknown armed people in the early morning of 12 May, and that he had been taken to the regional administration building.

According to him, terrorists tried to take as many hostages as possible. ''At first they wanted to exchange us for their supporters held in prison, but they later decided to use us as 'human shields' against law-enforcement officers,'' Mansurov said.

He also said that hostages had been beaten up, and that two law-enforcement officers had been killed before his eyes.

''They said they were acting in the name of religion and [to protect their] business interests, but their goals were completely different. They cannot be forgiven. I ask the court to give them capital punishment,'' he said.

DEFENDANTS PIN THE BLAME ON THE AMERICANS AND JOURNALISTS

Yesterday, the U.S. Department of State denounced the accusations that the U.S. Embassy in Uzbekistan had allegedly orchestrated and financed the May revolt in Andizhan. Defendants standing trial for participation in the revolt announced that the conspiracy against the Uzbek authorities had been arranged by the Americans, journalists, and human rights activists. This newspaper contacted some of the ''conspirators'' who managed to escape from Uzbekistan.

The United States was first accused in the trial in Tashkent by defendant Tavakkol Khodzhiyev on Monday. Khodzhiyev told the Supreme Court that the revolt in Andizhan had been financed by the U.S. Embassy. ''We got money from the U.S. Embassy,'' Khodzhiyev confessed. ''The Americans intended to provoke a ''color revolution'' and disrupt the constitutional system of Uzbekistan.'' Dwelling on the so called conspiracy, defendants could not say how much the Americans had invested in the coup d'etat and concentrated on its details instead. According to defendant Husanzhon Turabekov, one Kelly (a citizen of the United States) was in contact with the Akramians. She drove a red Jeep and was always accompanied by human rights activists and journalists. Matlyuba Azamatova of Uzbekistan, BBC reporter in the Ferghana Valley, was usually with the American. Turabekov said that Azamatova and experts on human rights had become the main agitators and instigators. ''When the Andizhan khokimijat was overrun, they made speeches in the square all day long, condemning the powers-that-be and urging rebels to hold on. They said that help was coming.''

Pleading guilty and demanding capital punishment for themselves at the very first meeting of the Supreme Court, the defendants became prosecutors. They go on confessing and exposing the anti-Uzbek conspiracy of Washington, International terrorism, journalists, and human rights activists. The defendants maintain that they are treated properly in prison and that they are

shocked by how outrageously media outlets and human rights activists spread lies about the Uzbek regime. The prosecution, Deputy Prosecutor General Anvar Nabiyev, had appraised the media in a similar manner when the trial was just beginning. Nabiyev called journalists ''jackals'' and ''carrion eaters''. The deputy prosecutor general put on the list of enemies of Uzbekistan IWPR Tashkent Division Director Galima Bukharbayeva, Ferghana. Ru correspondent Aleksei Volosevich, RL correspondent Andrei Babitsky, and Amazatova. According to Nabiyev, they had depicted terrorists as freedom fighters and promoters of democracy. BBC got the worst of it. Nabiyev announced that its correspondents had ''shamelessly spread prejudiced lies on what was happening on the orders from certain external forces.''

Mr. MCCAIN. Mr. President, let me tell you what the Uzbek Government did. They arrested some people. Here is what happened. This is Reuters:

Uzbekistan: Defendants in Andijon Trial Reiterate Guilt, Blame Others. The defendants allegedly behind the May uprising in the eastern Uzbek town of Andijon are confessing to the charges and saying foreign countries initiated the revolt.

One of the defendants, Tavakkalbek Hojiyev, said yesterday that the U.S. Embassy in Tashkent financially supported the uprising.

Mr. President, here is the old Stalinist trial where they beat the defendant into submission, have him confess, and then blame the U.S. Embassy in Tashkent, and we are going to give them 23 million bucks?

As I said:

. . . that the U.S. Embassy in Tashkent financially supported the uprising. He did not provide any evidence but said he was informed about the fact by another man . . . whom the Uzbek government has accused of helping instigate the violence.

''He told me that the U.S. Embassy has allocated the money [for the uprising,]'' Hojiyev said. ''And if our action in Andijon would not succeed we had to leave for Kyrgystan. He said that this was the plan. . . .

Parpiev was among the protesters who seized the regional administration building in Andijon on 13 May. He escaped when Uzbek forces fired on protesters. . . .

It goes on and on. It is the age-old Stalinist tactic: Take somebody, torture them, and force them to confess. And they are blaming the United States of America.

This is the Karimov Government that we are going to give $23 million and that is now alleging that the United States of America not only was responsible for this uprising in Andijon, but the ''colored revolutions'' all over the world—Lebanon, Georgia, Kyrgyzstan, Ukraine.

Former hostages and other witnesses testified Wednesday in the trial of 15 alleged participants in a May uprising that was brutally suppressed by Uzbek government troops. . . .Former hostage Rakhimjon Kurbonov, a van driver, said he was shot in the back and leg when rebels used him as a human shield. He also said he had been beaten up by relatives of some of the 23 religious businessmen. . . .

On and on and on.

Yesterday, the U.S. Department of State denounced the accusations that the U.S. Embassy in Uzbekistan had allegedly orchestrated and financed the May revolt in Andijon. Defendants standing trial for participation in the revolt announced the conspiracy against the Uzbek authorities had been arranged by the Americans, journalists, and human rights activists.

This is an echo of the days of the Cold War, Mr. President. This is when the Stalinists were in charge.

Finally:

Upwards of 1,000 civilians may have been killed in Andijon on 13 May, according to some human rights groups, when security forces opened fire on protesters demonstrating against the government of President Islam Karimov, who has ruled Central Asia's most populous state since the collapse of the Soviet Union in 1991.

Despite international pressure, Tashkent has rejected all requests for an independent international inquiry, placing the official death toll at 187.

The 15 men—

Guess what—

have pleaded guilty . . .

Is that a surprise that the defendants have all pleaded guilty, condemning themselves to life sentences or death?

The 15 men have pleaded guilty to trying to overthrow the Uzbek Government and create an Islamic state in a violent uprising that prosecutors maintain was stoked by Western media. More than 100 people face charges that include murder, fomenting mass arrest and an attempted coup.

Mr. President, I will curtail my remarks and just say to my friend from Alaska—I know he has a very busy agenda—if I were able to authorize on an appropriations bill—which I am not—I would say at the completion of a thorough investigation of the massacre of Andijon. I cannot do that because this is an appropriations bill, so the amendment basically says no money shall be spent in 2006.

My whole purpose in this is to have the investigation by an international organization, find out who is guilty, and recognize we are dealing with a very brutal, repressive, old-time Stalinist regime.

I thank the chairman for his courtesy.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MCCAIN. At a time to be determined by the distinguished chairman.

The ACTING PRESIDENT pro tempore. There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. I thank the Senator from Arizona. Mr. President, I ask unanimous consent that there be 4 minutes equally divided on this amendment before the vote when it does occur.

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

Mr. STEVENS. I say to the Senator, I will be pleased to work with the Senator from Arizona to amend this so even though it might be legislation, it urge, at least, an investigation that the Senator has mentioned. Perhaps we can work it out before the time for the vote.

Mr. MCCAIN. I yield the floor.

Mr. STEVENS. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator's amendment No. 1978 not be subject to a second-degree amendment, but would be subject to an amendment by the Senator from Arizona should he wish to amend the amendment.

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

Mr. MCCAIN. I thank the Senator.

Mr. STEVENS. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF HARRIET MIERS

Mr. REID. Yesterday, President Bush announced that he will nominate White House Counsel Harriet Miers to the Supreme Court. I congratulate Ms. Miers on this high honor, and I pledge that Senate Democrats will work in good faith to ensure a dignified and thorough confirmation process. It is now well known that I suggested to the President that Harriet Miers would be worthy of the President's consideration. The President has chosen her as a replacement for retiring Supreme Court Justice Sandra Day O'Connor. I am grateful that the President took account of my views.

Over the coming days and weeks, we will learn more about Harriet Miers. The Judiciary Committee will hold comprehensive hearings. I do not intend to make up my mind about whether to support or oppose confirmation of this nominee until after the committee hearings, and I hope everyone in the Senate will follow that. I think the hearings that were held previously in the Roberts nomination were dignified. I thought that Senator SPECTER and LEAHY did a remarkably good job. I am confident that they will do it in this matter, also.

The reason that we must proceed in the manner that we did in the Roberts hearing is that the Supreme Court is the final guardian of the rights and liberties of all Americans. With so much at stake, we should not rush to judgment about this or any other nominee.

But even at this early stage of the confirmation process, I will say that I am impressed by what I know about Harriet Miers. She overcame difficult family circumstances to become the managing partner of a successful 400-lawyer Dallas law firm. That is a big law firm. She was the first woman president of the Dallas Bar Association and then the first woman President of the Texas State bar association.

In those roles, she advocated the importance of racial and gender diversity in the legal profession and was a strong supporter of legal services for the poor. Ms. Miers has not been a judge, but I regard that as a strength of her nomination, not a weakness. In my view, the Supreme Court would benefit from the addition of a Justice who has real experience as a practicing lawyer. A nominee with relevant nonjudicial experience would bring a different and a useful perspective to the Court. The nomination of Harriet Miers bears similarity to the nomination of Lewis Powell. At the time he was nominated by President Nixon in 1971, Powell had never been a judge. He had been a pillar of the Richmond, VA, bar just as Ms. Miers was a pillar of the Dallas, TX, bar. And he served as President of the American Bar Association just as Ms. Miers served as President of the Dallas and Texas bar associations.

Mr. President, I have been told that about 45 percent of all Justices who served on the Supreme Court have had no judicial experience before they were chosen by a President. I think that speaks volumes about the need to diversify the Supreme Court.

I had lunch at the Supreme Court 6 weeks ago or thereabouts—I do not recall exactly when—and at the little table at which I was seated were three Supreme Court Justices. I will not mention their names, other than to say one was a woman and two were men. So it had to either be Justice Ginsburg or Sandra Day O'Connor, one of them. And they were very clear in saying that they agreed that there should be strong consideration given to someone who had not been a judge. I have been told that Byron White, who was selected by President Kennedy, had no judicial experience. He had a qualification I am not sure we are going to find in many lawyers out there, but he was an All-American football player. If you look at the qualifications of appellate judges, I think that is important, but remember these people sit in their offices usually alone writing opinions. Three of my sons have clerked for Federal judges. Those jobs are very lonely and very confining. They don't see much of the real world, in my opinion. So I would welcome a return to the days when distinguished practicing lawyers and bar leaders are recognized as suitable candidates for high judicial office.

In recent years, Supreme Court Justices have been chosen exclusively from the ranks of Federal courts of appeal. The judges on the courts of appeal are often very smart, well credentialed, but the life of a Federal appeals judge, as I have indicated, is insular and isolated. They know the law in an abstract way but don't appreciate the impact of the law on the lives of real people.

I asked Harriet Miers in one of the first conversations I had with her, ''Have you ever tried a case?'' She was a trial lawyer. That is what she did. She is a little different kind of trial lawyer than I was. She was a corporate lawyer and tried cases involving corporate problems. But she stated to me in a conversation that I had with her that she did divorce work.

I believe that is so important, that in the future we try to make our Presidents aware that the Supreme Court does not have to have all appellate judges to go into their ranks. Federal judges are often wise, but there is a different kind of wisdom that comes from the day-to-day practice of law where they talk to clients, where they pick juries, where they argue cases to a jury, and where they talk to clients about fees they are going to charge. They participate in the community doing work for the poor.

In any event, there is certainly room for both kinds of judicial nominees on the Supreme Court—those with judicial experience and those without judicial experience. I hope in the years to come that we look favorably upon both—not just someone with appellate experience.

One thing we certainly need on the Supreme Court is independent thinking. Ms. Miers has been George Bush's lawyer for more than a decade. He is her friend. I have no problem at all with her being his friend. I think that speaks well of both of them—that they have confidence in each other, so to speak. But she needs to demonstrate to the Senate that she will put those close ties aside when necessary and stand in judgment of a President who has elevated her to this Court.

In the press conference today, just a few hours ago, President Bush said, ''Harriet Miers knows the kind of judge I am looking for.'' But if she is confirmed, I say Ms. Miers must become the kind of judge the American people are looking for—a judge committed to fundamental rights and freedom.

I look forward to the Judiciary Committee's process which will help the American people learn more about this nominee and help the Senate determine whether she deserves a lifetime seat on the historic Supreme Court. But I remind the Senate that the nomination of Harriet Miers will not reach the floor for some time, and we are going to cooperate fully, as I have indicated, as we did with Judge Roberts. The Democrats want the process to move forward expeditiously but fairly.

After we get back from the week-long recess that will start this Friday, we will have 5 weeks. We have a lot of things to do during that 5-week period. We have many pressing pieces of legislation that need to be dealt with in this period of time.

After the failures of Katrina—I should not say the failures of Katrina, Katrina did pretty well on its own as a storm, but what happened afterward was failure. And I must say that we now have a string of scandals hovering over the Capitol. It is more important than ever that we get to work on all the many things we have to do. The American people are tired of business as usual in Washington and want us to come together to get things done. They want a change. They want reform. They want a new direction. And that is what Democrats will be looking for in the months ahead.

We believe it is time for all of us to unite because America can do better.

Together, we can reform the culture of corruption and cronyism that is spreading throughout the Nation's Capitol, a culture that led to Michael Brown at FEMA and the failure of Katrina and the Republican scandals we are now reading about.

Together, we can come together to help working families who are being pinched at the gas pump. In the short term we can investigate price gouging, and in the long run we can move our country closer to energy independence by the year 2020.

Together, we can meet our obligation to keep America strong and secure. We can make a real commitment to finding out what went wrong during Katrina and fixing it. And we can pass the Department of Defense authorization bill to protect our fighting men and women in uniform representing our great country. We can insist that the President provide our troops with a clear strategy and paths for success in Iraq. Yesterday I spoke to a marine major who spent 8 months in Iraq in combat. The cities he worked to clear of terrorists and insurgents are not clear anymore.

In addition to that—a clear path for success in Iraq that the President must give us because certainly the mission has not been accomplished—we also have to confront the health care crisis—and it is a crisis. We have to confront it by bringing down costs and helping over 40 million uninsured Americans get the care they need.

Together, we can show the American people that we understand our budget priorities must change following the worst natural disaster in our Nation's history and that we understand it is not time to cut Medicaid, a program that was set up years ago to protect the poorest of the poor with their medical problems.

We can't cut education. Why would we do that? So the administration can spend more on tax breaks for multi- interests and multimillionaires? In calling for spending cuts, the President talked like a fiscal conservative, but in his 5 years in office, he has spent like a fiscal wreck. While our deficits were mounting, he had no problem spending trillions of dollars on tax breaks for

the few. But now, in the wake of this disaster, when the Federal Government begins to help rebuild the lives of Americans who have lost everything, he says he is interested in fiscal discipline. Yet whose benefits would he cut?

Just weeks after the economic and social divide in our country had been ripped open for all to see, he is proposing deep cuts in the crucial services that help American families get ahead. Around the gulf coast, some of America's most neediest families suffered the most. Why? Simply because they were poor. Now, while continuing to push for tax breaks for special interests, financed with more debt, the President wants Katrina's survivors and other vulnerable Americans to pay for reconstruction also. America can do better. We must do better. And Democrats are committed to leading the way.

There is another area where we will not give up the fight—helping Katrina victims. Today, the President made a point of mentioning how he wants to pay for ''rebuilding the gulf,'' but let us not forget that we still have to do the work that I call rebuilding lives.

This morning, the President was also asked about relief efforts and whether families are getting what they need. He said things are going ''pretty good.'' But anyone who has seen the news would question that is the case.

On Sunday, newspapers all over the country had different titles. But the Washington Post ran an article titled, ''Housing Promises Made to Evacuees Have Fallen Short.'' That is an understatement. This article talks about tens of thousands of evacuees still living in hotel rooms, if they are lucky, and facing the possibility of eviction in less than 2 weeks. That is not pretty good.

Another story over the weekend explained that FEMA is stopping its cash assistance program for hurricane survivors. When that happens, many victims will have only unemployment insurance to turn to, if they are lucky. Those who didn't have a job when Katrina hit won't be eligible for unemployment, and those who are eligible will find their benefits grossly inadequate.

Is this just a term I am using, ''grossly inadequate''? Let us look at it. For example, a formerly self-employed person in Mississippi can expect to receive $86 a week to meet his or her family's needs. That is not ''pretty good.'' If you lost your home, your job, and all your possessions, would you be feeling ''pretty good'' about $86 a week? I don't think so. America can do better than that.

For weeks, Democrats have been trying to get victims the relief they need. Unfortunately, too many of my colleagues on the other side of the aisle have not shared our sense of urgency.

Days after the storm, Democrats proposed a plan for comprehensive emergency relief. It was introduced as S. 1637, the Katrina Emergency Relief Act of 2005. This legislative package was designed to get families assistance in four areas: housing, health care, education, and financial relief. Here it is more than a month later while Senators GRASSLEY and BAUCUS, a Democrat and a Republican, chairman and ranking member of our Finance Committee, have been working hard. This Republican Senate has made virtually no progress. In fact, most of the Senate's time has been taken up by legislation that has little or no help for the victims. Last spring, Republicans in Congress and the President moved mountains in the middle of the night to intervene in one Florida family's tragedy. But today, when thousands of displaced families are struggling to survive, Republicans are sitting on their hands.

America can do better. We can start tomorrow by finally addressing the needs of Katrina's victims in a comprehensive manner.

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

The PRESIDING OFFICER (Mr. THUNE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business.

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

NOMINATION OF HARRIET MIERS

Mr. MCCONNELL. Mr. President, today I rise to commend President Bush for his choice of Harriet Miers to be the Nation's next Associate Justice of the Supreme Court. Ms. Miers has an exemplary record of service to our country. She will bring to the Court a lifetime of experience in various levels of government and at the highest levels of the legal profession. She is a woman of tremendous ability and very sound judgment.

Ms. Miers received her bachelor's degree and law degree from Southern Methodist University in her native Texas. Upon graduation, she clerked for District Judge Joe Estes in the early 1970s. Ms. Miers has a distinguished career as one of the foremost lawyers in this country. She served has a role model for women lawyers everywhere. After clerking with Judge Estes for 2 years, Harriet was the first woman ever hired at the renowned Dallas law firm of Locke Purnell Rain Harrell in 1972. By 1978, she had made partner. And 24 years after first entering the firm's doors, her colleagues elected her to be the first female president. She was the first woman to lead a Texas firm of that size and stature. That is a remarkable rise and a testament to her ability to lead and, for that matter, to inspire others.

Further evidence of her administrative skill came when her firm merged with another firm to become the larger Locke Liddell & Sapp, LLP, and Ms. Miers became the comanaging partner, overseeing 400 lawyers. As an accomplished trial litigator, Ms. Miers has skillfully represented clients as varied as Microsoft, Walt Disney, and SunGuard Data Systems. Her peers have recognized her many talents, as the National Law Journal has repeatedly honored her as one of the top lawyers in our country.

Complex corporate litigation is a notoriously challenging practice area. Ms. Miers' ability to master a wide range of substantive legal issues has served her well time and time again, both in government and in the private sector.

In 1985, Harriet Miers became the first woman president of the Dallas Bar Association, and in 1992, she became the first woman president of the State Bar of Texas. She has played a large role in the American Bar Association, serving in various leadership positions in that organization, including as chair of the board of editors of the prestigious ABA Bar Journal.

Ms. Miers has great experience in government, as well as at the local, State, and Federal levels. In 1989, she was elected to the Dallas city council. From 1995 to 2000, she volunteered to serve as chairwoman of the Texas Lottery Commission, while fulfilling her time-consuming duties as a leader in a prestigious law firm. She was a powerful force for the fair and honest administration of the State lottery which had previously suffered from scandal. In an editorial, the Dallas Morning News commended her for her meritorious service and for her integrity.

Ms. Miers has great experience in the Federal Government, as we all know, serving as assistant to the President and staff secretary, Deputy Chief of Staff to the President, and in her current role as Counsel to the President, where I and others have had a good deal of dealings with her over the last few months. She succeeded Attorney General Gonzales as White House Counsel. All of my dealings with her have been of the highest order. I really couldn't compliment her more, both for her personality and for her legal skills. My interaction with her could not have gone better in every respect.

In these duties, she has grappled with the challenging issues that face not only the White House but our entire country these days. She is an accomplished lawyer who has won the respect of Republicans and Democrats alike. She understands the role of a judge is not to legislate from the bench but to interpret the law. She will bring to the Supreme Court her broad experiences in the worlds of government and the law. She is well qualified to join our Nation's highest court and the President, after unprecedented consultation with the great majority of us in the Senate, has made an outstanding nomination. She will make a fine addition

to the Supreme Court, and I look forward to her confirmation.

Now that we have a nominee, it is the Senate's responsibility to provide advice and consent in a fair, dignified, and responsible manner. We did that on the Roberts nomination. I fully expect the Senate to conduct itself in the same way on the Miers nomination.

In doing so, we should follow three basic principles: We should treat Harriet Miers respectfully. We should have a fair process, and we should complete our process with an up-or-down vote in a timely manner.

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

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. REED. Madam President, I also ask the pending amendment be laid aside.

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

AMENDMENT NO. 1943

Mr. REED. I ask to call up amendment No. 1943.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED] proposes an amendment numbered 1943.

The amendment is as follows:

(Purpose: To transfer certain amounts from the supplemental authorizations of appropriations for Iraq, Afghanistan, and the Global War on Terrorism to amounts for Operation and Maintenance, Army, Operation and Maintenance, Marine Corps, Operation and Maintenance, Defense-wide activities, and Military Personnel in order to provide for increased personnel strengths for the Army and the Marine Corps for fiscal year 2006)

At the appropriate place, insert the following:

SEC. ____. (a) ADDITIONAL AMOUNTS FOR INCREASED PERSONNEL STRENGTHS FOR ARMY AND MARINE CORPS FOR FISCAL YEAR 2006.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY'' is hereby increased by $1,081,640,000.

(2) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, MARINE CORPS.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, MARINE CORPS'' is hereby increased by $31,431,000.

(3) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby increased by $121,397,000.

(4) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL, ARMY.—The amount appropriated by title I under the heading ''MILITARY PERSONNEL, ARMY''is hereby increased by $2,527,520,000.

(5) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL, MARINE CORPS.—The amount appropriated by title I under the heading ''MILITARY PERSONNEL, MARINE CORPS'' is hereby increased by $170,571,000.

(b) OFFSETS FROM SUPPLEMENTAL AMOUNTS FOR IRAQ, AFGHANISTAN, AND GLOBAL WAR ON TERRORISM.—

(1) MILITARY PERSONNEL, ARMY.—The amount appropriated by title IX under the heading ''MILITARY PERSONNEL, ARMY'' is hereby reduced by $2,527,520,000.

(2) MILITARY PERSONNEL, MARINE CORPS.—The amount appropriated by title IX under the heading ''MILITARY PERSONNEL, MARINE CORPS'' is hereby reduced by $170,571,000.

(3) OPERATION AND MAINTENANCE, ARMY.—The amount appropriated by title IX under the heading ''OPERATION AND MAINTENANCE, ARMY'' is hereby reduced by $1,081,640,000.

(4) OPERATION AND MAINTENANCE, MARINE CORPS.—The amount appropriated by title IX under the heading ''OPERATION AND MAINTENANCE, MARINE CORPS'' is hereby reduced by $31,431,000.

(5) OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount appropriated by title IX under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby reduced by $121,397,000.

Mr. REED. I also ask unanimous consent to add Senator HAGEL as a cosponsor of the amendment.

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

Mr. REED. Madam President, I rise to offer an amendment which would move funding for the end-strength increases included in this bill from emergency funding to regular funding, thereby increasing the top lines of the Army and Marine Corps budgets.

Let me first begin by commending Chairman STEVENS and Senator INOUYE for including the end-strength numbers, the increase in this legislation. There are no more dedicated individuals committed to the welfare and the efficiency of our military forces than Senator STEVENS and Senator INOUYE, and they have raised the end-strength numbers of the Army by 40,000, and they have raised the end-strength numbers of the Marine Corps by 3,000, and this was over the request included in the President's budget.

I think it is patently clear that additional personnel are necessary, and I am pleased to see that this is the conclusion of the Appropriations Committee. But simply raising the end-strength number, in my view, is not enough. I believe we also have to pay for these troops in a very straightforward fashion—not through emergency supplementals but through the regular budget process. If we do not start doing this now, I believe the Army and the Marine Corps will begin to pay a far greater price in the future as supplemental funding may diminish, but still the needs for an increased end strength persist.

There is an obvious need for increased end strength. On January 24, 2004, Army Chief of Staff General Schoomaker announced he had received emergency authority to temporarily increase the size of the Army by 30,000 soldiers for the following 4 years. At that time the leaders of the Department of Defense were working on a couple of assumptions.

First, they were working with a plan formulated in the fall of 2003 that calculated the numbers of forces in Iraq in mid-2005 to be approximately 40,000 troops. Remember, at that time the Pentagon was predicting our force levels in Iraq would be 40,000 troops. In the fall of 2005, at this moment, we have approximately 139,000 Army troops in Iraq, together with 25,000 marines—far above the predicted level of troops necessary, in the Pentagon's view 2 years ago, to conduct these operations.

Now this number of about 130,000 troops, Army troops and significant Marine Corps forces, has been steady or even higher from the period of March 2003, the time of the invasion, to today.

In addition, General Schoomaker recently told the Associated Press he is planning for over 100,000 troops to remain in Iraq through fiscal year 2009.

I think this is very prudent and I commend General Schoomaker for doing that which I think is necessary, of publicly stating that we at least have to assume for planning purposes a commitment of that number.

This initial assumption of 40,000 troops in place in Iraq by 2005 is clearly inadequate. It has been overtaken by events. Again I think this argues for not a temporary increase in troops but a permanent increase in end strength and regular funding.

The second point I make is that in addition to our obligations in Iraq, which require significant forces—and to have the forces in Iraq, we have to have many more forces in the Army and Marine Corps training and getting ready to go and recover—in addition to that, Secretary Rumsfeld was ambitiously moving forward on a transformation of the Army to increase the number of brigades from 33 to 48 and replace 10,000 military slots with civilian slots, significantly reducing the number of soldiers in support positions. This is a very difficult and in some cases dynamic experience. We have an army at war and an army in transformation simultaneously, but the Army is doing a magnificent job in both cases.

Secretary Rumsfeld argued that this transformation would initially cause a spike requiring again a temporary increase of 30,000 soldiers, but then within 4 years his projection was that spike would be eliminated. However, under the Army's own analysis and even if all anticipated efficiencies are widely successful, if we get the transformation of military positions and civilian positions, we are able to form these brigades to perform as they were expected to perform, and all these efficiencies are squeezed out of this transformation, the Army has suggested we will not be back down to pre-911 end strength of 482,400 until fiscal year 2011, 6 years from now.

Now that is not right. You have two demands, our commitment in Iraq and our transformation process, that drive up end strength numbers, not in the short term but actually over many years, and we know this right now.

Third, the Pentagon could not have anticipated in some cases their involvement in natural disasters such as

Hurricane Katrina which is creating demand for forces, particularly National Guard forces. As we understand, the National Guard is the first responders. They have in some respects a dual capacity. They serve the Governors of States, as the State militia, as a State force, and then they have a Federal role. So these demands on military forces right now, including individual units, including demands in the planning process, are a third issue that is increasing end strength numbers and, I would argue, also argue strongly for regularly paying for these forces.

Now even before General Schoomaker made his announcement in 2004 of an increase temporarily in end strength, Senator HAGEL and I were arguing that we needed more troops and we needed them for a considerable length of time. I think, as I have tried to suggest, this need is even more obvious today than several years ago when Senator HAGEL and I first took the floor. Yet surprisingly the President's fiscal year 2006 budget request did not ask for any additional troops in terms of end strength. They were operating on this emergency mechanism but, as I said initially, I am delighted and pleased to see that the Appropriations Committee, under the leadership of Senator STEVENS and Senator INOUYE, has recognized the need to formally increase end strength. What I am asking is that this formal increase of 40,000 Army troops and 3,000 marines be also complemented by including their funding in the regular baseline of these forces and not through an emergency supplemental.

This issue of funding is the purpose of my amendment. An end-strength increase of 40,000 soldiers and 3,000 marines will cost approximately $3.9 billion for 1 year of paid training, housing, and equipment. This bill funds the cost through supplemental funding, a mechanism which the Department of Defense agrees with. They have always been supportive of this, but I would argue again the assumptions that they have articulated of a temporary spike, do not consider, I think, fully the demands of transformation, and the other external demands of supporting foreign deployments and domestic operations such as Hurricane Katrina.

This funding mechanism is not the best because there are several problems with this approach. The first problem is that supplemental funding is supposed to be reserved for unforeseen or emergency events. The Army and marines have required more troops than their authorized end strengths for the past 2 years and it is likely this trend will continue for at least 4 more years. That should not be a surprise to anyone. These soldiers and marines are clearly not an unforeseen happenstance today. So I would argue it should be included in the regular budget and not through emergency supplemental funding.

The second problem is that to continue with supplemental funding creates a potentially unhealthy pattern. We pass supplemental funding many times. This funding runs out quickly before the end of the year—usually in about 9 months—and we are presented with a second supplemental bill. But these extra soldiers and marines will be in the field, we know, beyond 9 months; in fact, as I have suggested, probably for several years in terms of their total end strength.

But the Department of Defense is caught up in this cycle of asking for supplementals, running out of money and asking for another supplemental.

Again, I think with respect to this issue of predictable increases in end strength of several years, we can avoid that through regular funding.

Another problem with supplementals is the growing concern and uneasiness of the American public with respect to funding some of our operations.

Congress, to date, has appropriated $218 billion for the war in Iraq.

That does not go unnoticed by the American people.

All of this funding has been through supplementals—in effect, deficit spending.

The Congressional Budget Office points out that we will run a deficit in 2005 of about $331 billion—again, a fact not escaping the American public.

This deficit number does not include the significant costs associated with Hurricane Katrina and Hurricane Rita.

In an AP poll conducted 2 weeks ago, 42 percent of those polled stated that they preferred to pay for this hurricane relief by cutting spending in Iraq.

That is potentially an ominous note with respect to the priority that the American people are suggesting in this poll.

Only 14 percent, by the way, were willing to continue to add to the Federal debt to pay for our operations overseas and our operations in the gulf coast with respect to recovery from Katrina and Rita.

My concern is that the time we can come up and automatically fill all the needs of our military forces in Iraq through supplementals may be drawing to a close. It will be increasingly more difficult to move these supplemental bills to fully pay for our forces as the American public begins to be more and more concerned with both the deficit and the unexpected increasing costs of contingencies and the cost of our operations overseas.

I believe, if this happens, there is a real potential for both the Army and Marine Corps to be caught short having troops in the field which they must pay, equip, train, support, and also their families at home, but yet being squeezed because supplemental funding will not be sufficient. That will require them to look within their own budget to cut programs, to cut training, to cut modernization, which is very critical not only to their present posture but also to their future posture as the world's most formidable land force.

If these supplementals can't resolve the personnel costs of additional troops, the Army will have to look for $3.5 billion within their budget, and the Marine Corps would have to look at $400 million.

These are significant numbers for these services.

This could put excruciating pressure upon our military forces that are already under excruciating pressure, and we can see that reflected in many different dimensions.

Recently, we read about the recruiting shortfall. I believe Secretary Harvey of the Army announced today that they are going to increase the category of enlistees they would accept that do not meet the previous standards that were being used or increase the lower category of enlistees.

That is a reflection of the difficulty we have to man the force, at least at the recruitment level. Retention is good. But once again, if this pattern of operations persists for several years, and we see soldiers who have served with magnificent valor and dedication to the country faced with a third or fourth deployment into Iraq or into Afghanistan, those pressures will build.

I believe very strongly that not only should we follow the lead in the Appropriations Committee by formally increasing the end strength, but that we should begin to think seriously about and in fact begin to pay for these forces through the regular account.

My amendment moves the appropriate amount of money from the Army and Marine Corps personnel and operations and maintenance accounts included in the bridge supplemental, and moves them to the Army and Marine Corps personnel and operations and maintenance accounts in the underlying bill. The funding move will, I hope, ensure several things. First, it will be much more honest about how we are paying for our operations overseas with respect to the Army and Marines Corps. Secondly, it will enable us to better ensure that these funds will be available if, in fact, it becomes more difficult in terms of both the fiscal climate and the overall opinion climate in the country to send up on a regular basis very substantial supplemental appropriations bills for our consideration.

I think we should do it today. I urge my colleagues to support this measure. I thank my colleague, Senator HAGEL, for joining me in this effort.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Alaska.

Mr. STEVENS. Mr. President, this is a difficult situation.

I have great respect for the Senator from Rhode Island. We know his background as a graduate of West Point and his role on the Armed Services Committee.

Our subcommittee doesn't disagree with the intent of the Senator's amendment. It is our feeling that right now it would cause much disruption because of the way we have handled these funds since the beginning of the Afghanistan and Iraq wars and the war on terror.

Senator REED's amendment would move funding for additional Army and Marine Corps end strength from the emergency portion of this bill to the regular portion of the bill, and it would not have a corresponding offset.

Over the years we have been involved, we have, for both the Army and the Marine Corps, requested temporary increases in their end strength to fight the war on terrorism, which to me includes both Afghanistan and Iraq. But we have done so because of the argument from the Department that these increases should be provided from supplemental emergency funding rather than regular appropriations because regular appropriations tend to invade the money that is necessary to maintain the regular forces and the total confirmation of the Department. If we force the DOD to pay these war-related bills out of regular appropriations, the net result, unless there are some changes, would be to punish the Army and Marine Corps because it would have to be offset from other moneys. Only moneys in the bill of this large amount and of this magnitude would be from the acquisition programs, and that right now would be very disruptive.

We can't take the money from O&M because that is where the regular end strength is. I am sure that we can't offset on the one hand and add on the other. It would just balance out. So we feel this money should come from the reserve fund.

That was the recommendation to us from the Armed Services Committee in the bill last year. Again, this year, the bill contains emergency funding for the global war on terrorism.

Our current bill is consistent with the budget resolution for 2006, which Congress approved, and provides $50 billion in emergency spending to cover these costs involved in the wars we are carrying out today.

The additional soldiers and marines that are needed to fight in Iraq and Afghanistan should be in our bill and are paid from those supplemental emergency funds. We have a bill that is very tightly put together, very carefully done.

We realigned $3.9 billion to pay for war-related military end strength and associated operations and maintenance, and if we have to take that out of the bill itself, as I said, it is the acquisition programs that would be affected immediately.

That would be a major reduction.

We would have to take it from Navy shipbuilding accounts or from the Army's future combat system or the Air Force fighter aircraft or the space satellite programs. Just a few of those major programs, and it would take almost $4 billion from those programs in the bill.

As much as we agree with the Senator, and we have provided the funds, the Senator from Rhode Island and I aren't disagreeing over the funds or over the end strength. It is really how to pay for them at this time. This is something we have argued since the beginning of these engagements that we have been involved in.

I remind the Senate that I made those arguments in connection with President Clinton's move in Bosnia and Kosovo.

But that is the way Presidents have done it. They want us to pay for these funds out on an emergency basis. And, in some instances, past administrations have borrowed money from the current fiscal year and forced us to have a supplemental later in the fiscal year. Under this President, we have had supplementals at the beginning of the fiscal year, and that is where we are today.

We have $50 billion in this bill to pay for these costs.

I urge the Senator not to pursue this amendment. We are not in disagreement over principle. We both support the end strength. It is a question of how to pay for it, and the bill now before us pays for that additional end strength out of the supplemental reserve account.

I urge him to continue to support that basis. As I said, the Armed Services Committee ended up supporting it once again this year. We hope we will find a way to come to an end of that process and not have to use emergency moneys to pay for end strength. It is a temporary increase in end strength; it is not a permanent increase. Therefore, it should be paid for out of the contingency funds that are set aside on this bill on an emergency basis.

I again want to say how much we appreciate the Senator's interest in the manpower situation—manpower requirements of the services. We look forward to working with him on that.

I hope he will not pursue this amendment.

Mr. REED. Mr. President, I have immense respect for the chairman. I appreciate the difficulty of the job in trying to balance all these conflicting requests for funds. He has done a tremendous job with this appropriations bill. Certainly, I will consider his advice with respect to the position of the legislation. I would like to consider it a little further. But I appreciate the difficulty that the committee has in trying to meet all these amendments.

I say, finally, that what I am trying to do now is avoid a situation next year or the following year, as the chairman very well pointed out, where supplementals are not sufficient and the Army and Marine Corps have to look to their acquisition programs, cut combat systems, they have to look to other issues, quality of life for families, since these do keep these forces in uniform.

There is no disagreement, as the chairman pointed out, with respect to the need of these troops. There is no disagreement with respect to the fact that they will be on our books, if you will, for several years into the future.

I am pleased that the chairman and Senator INOUYE formally increased the end strength, as Senator WARNER and Senator LEVIN have done in the Defense authorization bill.

He is very right. The argument is how we pay for it. Do we pay for it through the emergency, or do we pay for them through the regular accounts?

I argue that a day of reckoning is coming where, if we don't face up to this by including it in the regular accounts, we will be dipping into acquisition and into other necessary programs of both the Army and Marine Corps.

But again, I will take the Senator's good advice very closely to mind, and I appreciate the fact that we agree on so much.

We are trying to figure out what is most appropriate—not just for the near term but in the long term—way to pay for these forces.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. 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. DEWINE. Mr. President, I ask unanimous consent to proceed in morning business.

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

(The remarks of Mr. DEWINE are printed in today's RECORD under ''Morning Business.'')

Mr. DEWINE. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). 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 dispensed with.

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

Mr. WARNER. Mr. President, yesterday, in anticipation of the unanimous consent agreement, the Senator from Virginia, joined by the Senator from Michigan, Mr. LEVIN, the managers and chairman and ranking member of the Armed Services Committee, filed an amendment, which amendment is the entire authorization bill prepared by the Committee on Armed Services and reported out favorably earlier this year. It was the subject of floor debate for some time. Some 30 amendments were added.

I also filed a second amendment, which represented 80 amendments which had been reconciled by the Senator from Michigan and myself and placed into the amendment to constitute a managers' amendment.

In other words, we agree as managers that they should be accepted subject to a unanimous consent agreement, which is the conventional way of handling a managers' amendment.

I now have with me today a third amendment, which represents another

16 amendments that the Senator from Michigan and I have agreed upon should be eventually added to our bill.

My first inquiry to the Chair is: Is it appropriate, at this time, given the unanimous consent that was agreed to this morning, to send to the desk and ask be filed a third amendment representing another managers' amendment for 16 reconciled amendments?

The PRESIDING OFFICER. A third second-degree amendment may be filed.

Mr. WARNER. Then I do so at this time, and I ask it be assigned a number.

Mr. President, I have had the opportunity to consult with the distinguished manager and the ranking member. I have advised him of steps that I would like to take at this time.

I now ask that amendment No. 1955, which is the authorization bill, be called up for the purpose of sending to the desk a modification to that amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

AMENDMENT NO. 1955

Mr. WARNER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 1955.

Mr. WARNER. 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 the RECORD of Monday, October 3, 2005, under ''Text of Amendments.'')

Mr. WARNER. Mr. President, I now send to the desk a modification to that amendment and ask that it be so modified.

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 1955), as modified, is as follows:

At the end, add the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2006''.

TABLE OF CONTENTS.—The table of contents for the Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for AH–64D Apache attack helicopter block II conversions.
Sec. 112. Multiyear procurement authority for modernized target acquisition designation/pilot night vision sensors for AH–64D Apache attack helicopters.
Sec. 113. Multiyear procurement authority for utility helicopters.

Subtitle C—Navy Programs

Sec. 121. Prohibition on acquisition of next generation destroyer (DD(X)) through a single naval shipyard.
Sec. 122. Split funding authorization for CVN–78 aircraft carrier.
Sec. 123. LHA replacement (LHA(R)) ship.
Sec. 124. Refueling and complex overhaul of the U.S.S. Carl Vinson.

Subtitle D—Air Force Programs

Sec. 131. Multiyear procurement authority for C–17 aircraft.
Sec. 132. Prohibition on retirement of KC–135E aircraft.
Sec. 133. Use of Tanker Replacement Transfer Fund for modernization of aerial refueling tankers.
Sec. 134. Prohibition on retirement of F–117 aircraft.
Sec. 135. Prohibition on retirement of C–130E/H tactical airlift aircraft.
Sec. 136. Procurement of C–130J/KC–130J aircraft after fiscal year 2005.
Sec. 137. Aircraft for performance of aeromedical evacuations.

Subtitle E—Defense-Wide Programs

Sec. 151. Advanced SEAL Delivery System.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Contract for the procurement of the Future Combat System (FCS).
Sec. 212. Joint field experiment on stability and support operations.
Sec. 213. Towed Array Handler.
Sec. 214. Telemedicine and Advanced Technology Research Center.
Sec. 215. Chemical demilitarization facilities.

Subtitle C—Missile Defense Programs

Sec. 221. One-year extension of Comptroller General assessments of ballistic missile defense programs.
Sec. 222. Fielding of ballistic missile defense capabilities.
Sec. 223. Plans for test and evaluation of operational capability of the Ballistic Missile Defense System.

Subtitle D—High-Performance Defense Manufacturing Technology Research and Development

Sec. 231. Research and development.
Sec. 232. Transition of transformational manufacturing processes and technologies to the defense manufacturing base.
Sec. 233. Manufacturing technology strategies.
Sec. 234. Report.
Sec. 235. Definitions.

Subtitle E—Other Matters

Sec. 241. Expansion of eligibility for leadership of Department of Defense Test Resource Management Center.
Sec. 242. Technology transition.
Sec. 243. Prevention, mitigation, and treatment of blast injuries.
Sec. 244. Modification of requirements for reports on program to award prizes for advanced technology achievements.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense programs.

Subtitle B—Environmental Provisions

Sec. 311. Elimination and simplification of certain items required in the annual report on environmental quality programs and other environmental activities.
Sec. 312. Payment of certain private cleanup costs in connection with the Defense Environmental Restoration Program.

Subtitle C—Other Matters

Sec. 321. Aircraft carriers.
Sec. 322. Limitation on transition of funding for East Coast shipyards from funding through Navy Working Capital Fund to direct funding.
Sec. 323. Use of funds from National Defense Sealift Fund to exercise purchase options on maritime prepositioning ship vessels.
Sec. 324. Purchase and destruction of weapons overseas.
Sec. 325. Increase in maximum contract amount for procurement of supplies and services from exchange stores outside the United States.
Sec. 326. Extension of authority to provide logistics support and services for weapon systems contractors.
Sec. 327. Army training strategy.
Sec. 328. Limitation on financial management improvement and audit initiatives within the Department of Defense.
Sec. 329. Study on use of ethanol fuel.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision of permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2006 limitations on nondual status technicians.

Subtitle C—Authorizations of Appropriations

Sec. 421. Authorization of appropriations for military personnel.
Sec. 422. Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Exclusion of general and flag officers on leave pending separation or retirement from computation of active duty officers for general and flag officer distribution and strength limitations.
Sec. 502. Expansion of joint duty assignments for reserve component general and flag officers.
Sec. 503. Deadline for receipt by promotion selection boards of correspondence from eligible officers.

Sec. 504. Furnishing to promotion selection boards of adverse information on officers eligible for promotion to certain senior grades.
Sec. 505. Grades of the Judge Advocates General.
Sec. 506. Temporary extension of authority to reduce minimum length of commissioned service for voluntary retirement as an officer.
Sec. 507. Modification of strength in grade limitations applicable to reserve flag officers in active status.
Sec. 508. Uniform authority for deferment of separation of reserve general and flag officers for age.

Subtitle B—Enlisted Personnel Policy

Sec. 521. Uniform citizenship or residency requirements for enlistment in the Armed Forces.

Subtitle C—Reserve Component Personnel Matters

Sec. 531. Requirements for physical examinations and medical and dental readiness for members of the Selected Reserve not on active duty.
Sec. 532. Repeal of limitation on amount of financial assistance under Reserve Officers' Training Corps scholarship program.
Sec. 533. Procedures for suspending financial assistance and subsistence allowance for senior ROTC cadets and midshipmen on the basis of health-related conditions.
Sec. 534. Increase in maximum number of Army Reserve and Army National Guard cadets under Reserve Officers' Training Corps.
Sec. 535. Modification of educational assistance for Reserves supporting contingency and other operations.
Sec. 536. Repeal of limitation on authority to redesignate the Naval Reserve as the Navy Reserve.
Sec. 537. Performance by reserve component personnel of operational test and evaluation and training relating to new equipment.

Subtitle D—Military Justice and Related Matters

Sec. 551. Modification of periods of prosecution by courts-martial for murder, rape, and child abuse.
Sec. 552. Establishment of offense of stalking.
Sec. 553. Clarification of authority of military legal assistance counsel.
Sec. 554. Administrative censures of members of the Armed Forces.
Sec. 555. Reports by officers and senior enlisted personnel of matters relating to violations or alleged violations of criminal law.

Subtitle E—Military Service Academies

Sec. 561. Authority to retain permanent military professors at the Naval Academy after more than 30 years of service.

Subtitle F—Administrative Matters

Sec. 571. Clarification of leave accrual for members assigned to a deployable ship or mobile unit or other duty.
Sec. 572. Limitation on conversion of military medical and dental billets to civilian positions.

Subtitle G—Defense Dependents Education Matters

Sec. 581. Expansion of authorized enrollment in Department of Defense dependents schools overseas.
Sec. 582. Assistance to local educational agencies with significant enrollment increases in military dependent students due to troop relocations, creation of new units, and realignments under BRAC.
Sec. 583. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 584. Impact aid for children with severe disabilities.

Subtitle H—Other Matters

Sec. 591. Policy and procedures on casualty assistance to survivors of military decedents.
Sec. 592. Modification and enhancement of mission and authorities of the Naval Postgraduate School.
Sec. 593. Expansion and enhancement of authority to present recognition items for recruitment and retention purposes.
Sec. 594. Requirement for regulations on policies and procedures on personal commercial solicitations on Department of Defense installations.
Sec. 595. Federal assistance for State programs under the National Guard Youth Challenge Program.
Sec. 596. Authority for National Defense University award of degree of master of science in joint campaign planning and strategy.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Eligibility for additional pay of permanent military professors at the United States Naval Academy with over 36 years of service.
Sec. 602. Enhanced authority for agency contributions for members of the Armed Forces participating in the Thrift Savings Plan.
Sec. 603. Permanent authority for supplemental subsistence allowance for low-income members with dependents.
Sec. 604. Modification of pay considered as saved pay upon appointment of an enlisted member as an officer.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of other bonus and special pay authorities.
Sec. 615. Payment and repayment of assignment incentive pay.
Sec. 616. Increase in amount of selective reenlistment bonus for certain senior supervisory nuclear qualified enlisted personnel.
Sec. 617. Consolidation and modification of bonuses for affiliation or enlistment in the Selected Reserve.
Sec. 618. Expansion and enhancement of special pay for enlisted members of the Selected Reserve assigned to certain high priority units.
Sec. 619. Retention incentive bonus for members of the Selected Reserve qualified in a critical military skill or specialty.
Sec. 620. Termination of limitation on duration of payment of imminent danger special pay during hospitalization.
Sec. 621. Authority for retroactive payment of imminent danger special pay.
Sec. 622. Authority to pay foreign language proficiency pay to members on active duty as a bonus.
Sec. 623. Incentive bonus for transfer between the Armed Forces.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Transportation of family members in connection with the repatriation of servicemembers or civilian employees held captive.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Enhancement of death gratuity and life insurance benefits for deaths from combat-related causes or causes incurred in combat operations or areas.
Sec. 642. Improvement of management of Armed Forces Retirement Home.

Subtitle E—Other Matters

Sec. 651. Payment of expenses of members of the Armed Forces to obtain professional credentials.
Sec. 652. Pilot program on contributions to Thrift Savings Plan for initial enlistees in the Armed Forces.
Sec. 653. Modification of requirement for certain intermediaries under certain authorities relating to adoptions.
Sec. 654. Extension of effective date.

TITLE VII—HEALTH CARE

Subtitle A—Benefits Matters

Sec. 701. Clarification of eligibility of reserve officers for health care pending active duty following issuance of orders to active duty.
Sec. 702. Limitation on deductible and copayment requirements for nursing home residents under the pharmacy benefits program.
Sec. 703. Eligibility of surviving active duty spouses of deceased members for enrollment as dependents in a TRICARE dental plan.
Sec. 704. Increased period of continued TRICARE Prime coverage of children of members of the uniformed services who die while serving on active duty for a period of more than 30 days.
Sec. 705. Expanded eligibility of members of the Selected Reserve under the TRICARE program.

Subtitle B—Planning, Programming, and Management

Sec. 711. TRICARE Standard coordinators in TRICARE regional offices.
Sec. 712. Report on delivery of health care benefits through military health care system.
Sec. 713. Comptroller General report on differential payments to children's hospitals for health care for children dependents under TRICARE.
Sec. 714. Repeal of requirement for Comptroller General reviews of certain Department of Defense-Department of Veterans Affairs projects on sharing of health care resources.

Sec. 715. Surveys on TRICARE Standard.
Sec. 716. Modification of health care quality information and technology enhancement report requirements.
Sec. 717. Modification of authorities relating to patient care reporting and management system.
Sec. 718. Qualifications for individuals serving as TRICARE regional directors.

Subtitle C—Other Matters

Sec. 731. Report on adverse health events associated with use of anti-malarial drugs.
Sec. 732. Pilot projects on early diagnosis and treatment of post traumatic stress disorder and other mental health conditions.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Internal controls for procurements on behalf of the Department of Defense.
Sec. 802. Contract Support Acquisition Centers.
Sec. 803. Authority to enter into acquisition and cross-servicing agreements with regional organizations of which the United States is not a member.
Sec. 804. Requirement for authorization for procurement of major weapon systems as commercial items.
Sec. 805. Report on service surcharges for purchases made for military departments through other Department of Defense agencies.
Sec. 806. Review of defense acquisition structures.

Subtitle B—Defense Industrial Base Matters

Sec. 811. Clarification of exception from Buy American requirements for procurement of perishable food for establishments outside the United States.
Sec. 812. Conditional waiver of domestic source or content requirements for certain countries with reciprocal defense procurement agreements with the United States.
Sec. 813. Consistency with United States obligations under trade agreements.
Sec. 814. Identification of areas of research and development effort for purposes of Small Business Innovation Research program.

Subtitle C—Defense Contractor Matters

Sec. 821. Requirements for defense contractors relating to certain former Department of Defense officials.
Sec. 822. Review of certain contractor ethics matters.
Sec. 823. Contract fraud risk assessment.

Subtitle D—Defense Acquisition Workforce Matters

Sec. 831. Availability of funds in Acquisition Workforce Training Fund for defense acquisition workforce improvements.
Sec. 832. Limitation and reinvestment authority relating to reduction of the defense acquisition and support workforce.
Sec. 833. Technical amendments relating to defense acquisition workforce improvements.

Subtitle E—Other Matters

Sec. 841. Extension of contract goal for small disadvantaged business and certain institutions of higher education.
Sec. 842. Codification and modification of limitation on modification of military equipment within five years of retirement or disposal.
Sec. 843. Clarification of rapid acquisition authority to respond to combat emergencies.
Sec. 844. Modification of authority to carry out certain prototype projects.
Sec. 845. Extension of certain authorities on contracting with employers of persons with disabilities.
Sec. 846. Increased limit applicable to assistance provided under certain procurement technical assistance programs.
Sec. 847. Pilot program on expanded public-private partnerships for research and development.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Duties and Functions of Department of Defense Officers and Organizations

Sec. 901. Directors of Small Business Programs.
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Subtitle E—Technical Amendments

Sec. 1051. Technical amendments relating to certain provisions of environmental defense laws.

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Sec. 1061. Safe delivery of mail in the military mail system.
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Sec. 1071. Policy on role of military medical and behavioral science personnel in interrogation of detainees.
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Sec. 1101. Extension of authority for voluntary separations in reductions in force.
Sec. 1102. Compensatory time off for nonappropriated fund employees of the Department of Defense.
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TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Commanders' Emergency Response Program.
Sec. 1202. Enhancement and expansion of authority to provide humanitarian and civic assistance.
Sec. 1203. Modification of geographic limitation on payment of personnel expenses under bilateral or regional cooperation programs.
Sec. 1204. Payment of travel expenses of coalition liaison officers.
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TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.
Sec. 1303. Permanent waiver of restrictions on use of funds for threat reduction in states of the former Soviet Union.
Sec. 1304. Modification of authority to use Cooperative Threat Reduction funds outside the former Soviet Union.
Sec. 1305. Repeal of requirement for annual Comptroller General assessment of annual Department of Defense report on activities and assistance under Cooperative Threat Reduction programs.
Sec. 1306. Removal of certain restrictions on provision of Cooperative Threat Reduction assistance.

TITLE XIV—AUTHORIZATION FOR SUPPLEMENTAL APPROPRIATIONS FOR IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERRORISM

Sec. 1401. Purpose.
Sec. 1402. Designation as emergency amounts.
Sec. 1403. Army procurement.
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Sec. 1407. Defense Health Program.
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SEC. ___. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Army as follows:

(1) For aircraft, $2,800,880,000.

(2) For missiles, $1,265,850,000.

(3) For weapons and tracked combat vehicles, $1,692,549,000.

(4) For ammunition, $1,830,672,000.

(5) For other procurement, $4,339,434,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Navy as follows:

(1) For aircraft, $9,946,926,000.

(2) For weapons, including missiles and torpedoes, $2,749,441,000.

(3) For shipbuilding and conversion, $9,057,865,000.

(4) For other procurement, $5,596,218,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Marine Corps in the amount of $1,386,705,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement of ammunition for the Navy and the Marine Corps in the amount of $892,849,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Air Force as follows:

(1) For aircraft, $13,212,633,000.

(2) For missiles, $5,500,287,000.

(3) For ammunition, $1,031,207,000.

(4) For other procurement, $14,027,889,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2006 for Defense-wide procurement in the amount of $2,784,832,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH–64D APACHE ATTACK HELICOPTER BLOCK II CONVERSIONS.

Beginning with the fiscal year 2006 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of AH–64D Apache attack helicopter block II conversions.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR MODERNIZED TARGET ACQUISITION DESIGNATION/PILOT NIGHT VISION SENSORS FOR AH–64D APACHE ATTACK HELICOPTERS.

Beginning with the fiscal year 2006 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of modernized target acquisition designation/pilot night vision sensors for AH–64D Apache attack helicopters.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR UTILITY HELICOPTERS.

(a) UH–60M BLACK HAWK HELICOPTERS.—Beginning with the fiscal year 2006 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for the procurement of UH–60M Black Hawk helicopters.

(b) MH–60S SEAHAWK HELICOPTERS.—Beginning with the fiscal year 2007 program year, the Secretary of the Army, acting as executive agent for the Department of the Navy, may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for the procurement of MH–60S Seahawk helicopters.

Subtitle C—Navy Programs

SEC. 121. PROHIBITION ON ACQUISITION OF NEXT GENERATION DESTROYER (DD(X)) THROUGH A SINGLE NAVAL SHIPYARD.

(a) PROHIBITION.—Destroyers under the next generation destroyer (DD(X)) program may not be acquired through a winner-take-all acquisition strategy.

(b) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated by this Act, or any other Act, may be obligated or expended to prepare for, conduct, or implement a strategy for the acquisition of destroyers under the next generation destroyer program through a winner-take-all acquisition strategy.

(c) WINNER-TAKE-ALL ACQUISITION STRATEGY DEFINED.—In this section, the term ''winner-take-all acquisition strategy'', with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

SEC. 122. SPLIT FUNDING AUTHORIZATION FOR CVN–78 AIRCRAFT CARRIER.

(a) AUTHORITY TO USE SPLIT FUNDING.—The Secretary of the Navy is authorized to fund the detail design and construction of the aircraft carrier designated CVN–78 using split funding in the Shipbuilding and Conversion, Navy account in fiscal years 2007, 2008, 2009, and 2010.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into for the detail design and construction of the aircraft carrier designated CVN–78 shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for such fiscal year.

SEC. 123. LHA REPLACEMENT (LHA(R)) SHIP.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR FISCAL YEAR 2006.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2006 for shipbuilding and conversion, Navy, $325,447,000 shall be available for design, advance procurement, advance construction, detail design, and construction with respect to the LHA Replacement (LHA(R)) ship.

(b) AMOUNTS AUTHORIZED FROM SCN ACCOUNT FOR FISCAL YEARS 2007 AND 2008.—Amounts authorized to be appropriated for fiscal years 2007 and 2008 for shipbuilding and conversion, Navy, shall be available for construction with respect to the LHA Replacement ship.

(c) CONTRACT AUTHORITY.—

(1) DESIGN, ADVANCE PROCUREMENT, AND ADVANCE CONSTRUCTION.—The Secretary of the Navy may enter into a contract during fiscal year 2006 for design, advance procurement, and advance construction with respect to the LHA Replacement ship.

(2) DETAIL DESIGN AND CONSTRUCTION.—The Secretary may enter into a contract during fiscal year 2006 for the detail design and construction of the LHA Replacement ship.

(d) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (c) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for that purpose for such fiscal year.

(e) FUNDING AS INCREMENT OF FULL FUNDING.—The amounts available under subsections (a) and (b) for the LHA Replacement Ship are the first increments of funding for the full funding of the LHA Replacement (LHA(R)) ship program.

SEC. 124. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. CARL VINSON.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2006 for shipbuilding and conversion, Navy, $1,493,563,000 shall be available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN–70). The amount available under the preceding sentence is the first increment in the incremental funding planned for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson.

(b) CONTRACT AUTHORITY.—The Secretary of the Navy may enter into a contract during fiscal year 2006 for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for that purpose for such fiscal year.

Subtitle D—Air Force Programs

SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR C–17 AIRCRAFT.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—Beginning with the fiscal year 2006 program year, the Secretary of the Air Force may exercise the option on the existing multiyear procurement contract for C–17 aircraft in order to enter into a multiyear contract for the procurement of up to 42 additional C–17 aircraft. A contract entered into under this subsection shall be entered into in accordance with section 2306b of title 10, United States Code.

(b) REQUIRED CERTIFICATION.—Prior to the exercise of the authority in subsection (a), the Secretary of Defense shall certify to the congressional defense committees that the additional airlift capability to be provided by the C–17 aircraft to be procured under that authority is consistent with the results of the Mobility Capabilities Study to be completed in fiscal year 2005.

SEC. 132. PROHIBITION ON RETIREMENT OF KC–135E AIRCRAFT.

The Secretary of the Air Force may not retire any KC–135E aircraft of the Air Force in fiscal year 2006.

SEC. 133. USE OF TANKER REPLACEMENT TRANSFER FUND FOR MODERNIZATION OF AERIAL REFUELING TANKERS.

In addition to providing funds for a tanker acquisition program as specified in section 8132 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat, 1001), funds in the Tanker Replacement Transfer Fund established by that section may be used for the modernization of existing aerial refueling tankers if the modernization of such tankers is consistent with the results of the analysis of alternatives for meeting the aerial refueling requirements of the Air Force as required by section 134(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1413).

SEC. 134. PROHIBITION ON RETIREMENT OF F–117 AIRCRAFT.

The Secretary of the Air Force may not retire any F–117 Nighthawk stealth attack aircraft of the Air Force in fiscal year 2006.

SEC. 135. PROHIBITION ON RETIREMENT OF C–130E/H TACTICAL AIRLIFT AIRCRAFT.

The Secretary of the Air Force may not retire any C–130E/H tactical airlift aircraft of the Air Force in fiscal year 2006.

SEC. 136. PROCUREMENT OF C–130J/KC–130J AIRCRAFT AFTER FISCAL YEAR 2005.

Any C–130J/KC–130J aircraft procured after fiscal year 2005 (including C–130J/KC–130J aircraft procured through a multiyear contract continuing in force from a fiscal year before fiscal year 2006) shall be procured through a contract under part 15 of the Federal Acquisition Regulation (FAR), relating to acquisition of items by negotiated contract (48 C.F.R. 15.000 et seq.), rather than through a contract under part 12 of the Federal Acquisition Regulation, relating to acquisition of commercial items (48 C.F.R. 12.000 et seq.).

SEC. 137. AIRCRAFT FOR PERFORMANCE OF AEROMEDICAL EVACUATIONS.

(a) REQUIREMENT TO PROCURE.—The Secretary of the Air Force shall procure aircraft for the purpose of providing aeromedical evacuation services to severely injured or ill personnel.

(b) REQUIRED CAPABILITIES.—The aircraft procured under subsection (a) shall be capable of providing nonstop aeromedical evacuations across the Atlantic Ocean.

(c) EQUIPPING.—Any aircraft procured under subsection (a) shall be equipped with current aeromedical support facilities, including electrical systems, sanitation, temperature controls, pressurization capacity, safe medical storage, equipment and medicines for life support and emergency purposes, food preparation facilities, and such other facilities as the Secretary considers appropriate for the provision of aeromedical evacuation services.

(d) DEDICATED MISSION.—Each aircraft procured and equipped under this section shall be assigned the dedicated mission of providing aeromedical evacuation services as described in subsection (a).

(e) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated by section 103(1) for aircraft procurement for the Air Force, $200,000,000 shall be available for the procurement and equipping of up to two aircraft under this section.

Subtitle E—Defense-Wide Programs

SEC. 151. ADVANCED SEAL DELIVERY SYSTEM.

(a) LIMITATION ON AVAILABILITY OF FUNDS FOR ADVANCE PROCUREMENT.—No funds authorized to be appropriated by this Act for fiscal year 2006 for advance procurement of components for the Advanced SEAL Delivery System may be obligated or expended for that purpose until 30 days after the date on which the Secretary of Defense certifies to the congressional defense committees that the Under Secretary of Defense for Acquisition, Technology, and Logistics has made a favorable milestone C decision regarding the Advanced SEAL Delivery System. The certification shall be submitted together with the comprehensive report on the Advanced SEAL Delivery System required by subsection (b).

(b) REPORT.—As soon as possible after completion of the review of the Advanced SEAL Delivery System by the Defense Acquisition Board, the Secretary shall submit to the congressional defense committees a report that includes the following:

(1) The result of the milestone C decision on the Advanced SEAL Delivery System made by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Such recommendations as the Secretary considers appropriate regarding the continuation, restructuring, or termination of the Advanced SEAL Delivery System program, including recommendations on adjustments to contractual arrangements in connection with the continuation, restructuring, or termination of the program.

(3) A detailed summary of the revised cost estimate and future cost estimates for the Advanced SEAL Delivery System program, which cost estimates shall be validated for purposes of the report by the Cost Analysis and Improvement Group within the Office of the Secretary of Defense.

(4) A detailed acquisition strategy for the Advanced SEAL Delivery System, if the Secretary recommends the continuation or restructuring of the Advanced SEAL Delivery System program under paragraph (2).

(5) A plan to demonstrate realistic strategies for solving any technical and performance problems identified during the final operational test and evaluation of the Advanced SEAL Delivery System proposed to be conducted during the summer of 2005.

(c) COMPTROLLER GENERAL REVIEW.—

(1) IN GENERAL.—In order to achieve the purposes set forth in paragraph (2), the Comptroller General of the United States shall—

(A) review the adequacy of the final operational test and evaluation test plan for the Advanced SEAL Delivery System;

(B) review the results of the operational test of the Advanced SEAL Delivery System; and

(C) update the March 2003 Comptroller General report entitled Defense Acquisition, Advanced SEAL Delivery System Program Needs Increased Oversight (GAO–03–442).

(2) PURPOSES.—The purposes of the review and update under paragraph (1) are as follows:

(A) To examine the progress made toward meeting operational requirements and technical challenges with respect to the Advanced SEAL Delivery System.

(B) To assess the capacity of the Advanced SEAL Delivery System program to meet schedule and cost projections for that program.

(C) To identify and evaluation any remaining factors that may contribute to potential future problems for the Advanced SEAL Delivery System program.

(3) REPORT.—The Comptroller General shall submit to the congressional defense committees a report on the activities of the Comptroller General under paragraph (1) not later than February 1, 2006.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $9,717,824,000.

(2) For the Navy, $18,398,091,000.

(3) For the Air Force, $22,636,568,000.

(4) For Defense-wide activities, $19,011,754,000, of which $168,458,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.

(a) AMOUNT FOR PROJECTS.—Of the total amount authorized to be appropriated by section 201, $10,924,401,000 shall be available for science and technology projects.

(b) SCIENCE AND TECHNOLOGY DEFINED.—In this section, the term ''science and technology project'' means work funded in program elements for defense research, development, test, and evaluation under Department of Defense budget activities 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. CONTRACT FOR THE PROCUREMENT OF THE FUTURE COMBAT SYSTEM (FCS).

The Secretary of the Army shall procure the Future Combat System (FCS) through a contract under part 15 of the Federal Acquisition Regulation (FAR), relating to acquisition of items by negotiated contract (48 C.F.R. 15.000 et seq.), rather than through a transaction under section 2371 of title 10, United States Code.

SEC. 212. JOINT FIELD EXPERIMENT ON STABILITY AND SUPPORT OPERATIONS.

(a) JOINT FIELD EXPERIMENT REQUIRED.—The Secretary of Defense shall, in fiscal year 2006, carry out a joint field experiment to address matters relating to stability and support operations.

(b) PURPOSES.—The purposes of the joint field experiment under subsection (a) are as follows:

(1) To explore critical challenges associated with the planning and execution of military and support activities required in the post-conflict environment following major combat activities.

(2) To facilitate the development of recommendations for appropriate policy, doctrine, training infrastructure, and organizational structures to best facilitate the conduct of effective stability and support operations in such an environment.

(c) PARTICIPATING ELEMENTS AND FORCES.—

(1) IN GENERAL.—The joint field experiment under subsection (a) shall involve—

(A) elements of the Army, the Marine Corps, and the Special Operations Command selected by the Secretary for purposes of the field experiment;

(B) representatives of policy elements within the Department selected by the Secretary for such purposes; and

(C) any other forces or elements of the Department that the Secretary considers appropriate for such purposes.

(2) ADDITIONAL ELEMENTS.—The Secretary shall also invite the participation in the field experiment of appropriate elements of other departments and agencies of the United States Government, and of such elements and forces of coalition nations, as the Secretary considers appropriate for purposes of the field experiment.

(d) REPORT.—Not later than January 31, 2007, the Secretary shall submit to the congressional defense committees a report on the joint field experiment under subsection (a). The report shall include—

(1) a description of the field experiment;

(2) the findings of the Secretary as a result of the field experiment; and

(3) such recommendations, including recommendations for additional legislative or administrative actions and recommendations on funding required to implement such actions, as the Secretary considers appropriate in light of the field experiment.

SEC. 213. TOWED ARRAY HANDLER.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604503N for the design, development, and test of improvements to the towed array handler is hereby increased by $5,000,000 in order to increase the reliability of the towed array and the towed array handler by capitalizing on ongoing testing and evaluation of such systems.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604558N for new design for the Virginia Class submarine for the large aperture bow array is hereby reduced by $5,000,000.

SEC. 214. TELEMEDICINE AND ADVANCED TECHNOLOGY RESEARCH CENTER.

Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $1,000,000 may be available for Medical Advanced Technology (PE #603002A) for the Telemedicine and Advanced Technology Research Center.

SEC. 215. CHEMICAL DEMILITARIZATION FACILITIES.

(a) AUTHORITY TO USE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS TO CONSTRUCT FACILITIES.—The Secretary of Defense may, using amounts authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide and available for chemical weapons demilitarization activities under the Assembled Chemical Weapons Alternatives program, carry out construction projects, or portions of construction projects, for facilities necessary to support chemical demilitarization operations at each of the following:

(1) Pueblo Army Depot, Colorado.

(2) Blue Grass Army Depot, Kentucky.

(b) SCOPE OF AUTHORITY.—The authority in subsection (a) to carry out a construction project for facilities includes authority to carry out planning and design and the acquisition of land for the construction or improvement of such facilities.

(c) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds that may be utilized under the authority in subsection (a) may not exceed $51,000,000.

(d) DURATION OF AUTHORITY.—A construction project, or portion of a construction project, may not be commenced under the authority in subsection (a) after September 30, 2006.

(e) NOTICE AND WAIT.—The Secretary may not carry out a construction project, or portion of a construction project, under the authority in subsection (a) until the end of the 21-day period beginning on the date on which the Secretary notifies the congressional defense committees of the intent to carry out such project.

Subtitle C—Missile Defense Programs

SEC. 221. ONE-YEAR EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

(a) EXTENSION.—Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) in paragraph (1), by striking ''through 2006'' and inserting ''through 2007''; and

(2) in paragraph (2), by striking ''through 2007'' and inserting ''through 2008''.

(b) MODIFICATION OF SUBMITTAL DATE.—Paragraph (2) of such section is further amended by striking ''February 15'' and inserting ''March 15''.

SEC. 222. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.

(a) AUTHORITY TO USE FUNDS.—Funds referred to in subsection (b) may, upon approval by the Secretary of Defense, be used for the development and fielding of ballistic missile defense capabilities.

(b) COVERED FUNDS.—Funds referred to in this subsection are funds authorized to be appropriated for fiscal year 2006 or 2007 for research, development, test, and evaluation for the Missile Defense Agency.

SEC. 223. PLANS FOR TEST AND EVALUATION OF OPERATIONAL CAPABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) PLANS REQUIRED.—

(1) IN GENERAL.—With respect to block 06, and each subsequent block, of the Ballistic Missile Defense System, the appropriate joint and service operational test and evaluation components of the Department of Defense concerned with such block shall, in coordination with the Missile Defense Agency and subject to the review and approval of the Director of Operational Test and Evaluation, prepare a plan to test, evaluate, and characterize the operational capability of such block.

(2) NATURE OF PLANS.—Each plan prepared under this subsection shall be appropriate for the level of technological maturity of the block to be tested.

(b) REPORTS ON TEST AND EVALUATION OF BLOCKS.—At the conclusion of the test and evaluation of block 06, and of each subsequent block, of the Ballistic Missile Defense System, the Director of Operational Test and Evaluation shall submit to the Secretary of Defense, and to the congressional defense committees, a report providing—

(1) the assessment of the Director as to whether or not such test and evaluation was adequate to evaluate the operational capability of such block; and

(2) the characterization of the Director as to the operational effectiveness, suitability, and survivability of such block, as appropriate for the level of technological maturity of the block to be tested.

Subtitle D—High-Performance Defense Manufacturing Technology Research and Development

SEC. 231. RESEARCH AND DEVELOPMENT.

(a) IDENTIFICATION OF ENHANCED PROCESSES AND TECHNOLOGIES.—The Under Secretary of the Defense for Acquisition, Technology, and Logistics shall identify advanced manufacturing processes and technologies whose utilization will achieve significant productivity and efficiency gains in the defense manufacturing base.

(b) RESEARCH AND DEVELOPMENT.—The Under Secretary shall undertake research and development on processes and technologies identified under subsection (a) that addresses, in particular—

(1) innovative manufacturing processes and advanced technologies; and

(2) the creation of extended production enterprises using information technology and new business models.

(c) DEFENSE PRIORITIES.—In undertaking research and development under subsection (b), the Under Secretary shall consider defense priorities established in the most current Joint Warfighting Science and Technology Plan.

SEC. 232. TRANSITION OF TRANSFORMATIONAL MANUFACTURING PROCESSES AND TECHNOLOGIES TO THE DEFENSE MANUFACTURING BASE.

(a) ACCELERATION OF TRANSITION FROM SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake appropriate actions to accelerate the transition of transformational manufacturing technologies and processes (including processes and technologies identified under section 231) from the research stage to utilization by manufacturers in the defense manufacturing base.

(2) EXECUTION.—The actions undertaken under paragraph (1) shall include a memorandum of understanding among the Director of Defense Research and Engineering, other appropriate elements of the Department of Defense, and the Joint Defense Manufacturing Technology Panel to accelerate the transition of technologies and processes as described in that paragraph.

(b) PROTOTYPES AND TESTBEDS.—

(1) IN GENERAL.—The Under Secretary shall, utilizing the Manufacturing Technology Program, undertake the development of prototypes and testbeds to promote the purposes of this section.

(2) COORDINATION OF ACTIVITIES.—The Under Secretary shall coordinate activities under this subsection with activities under the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

(c) DEVELOPMENT OF IMPROVEMENT PROCESS.—The Under Secretary shall, in consultation with persons and organizations in the defense manufacturing base, develop and implement a program to continuously identify and utilize improvements and innovative processes in appropriate defense acquisition programs and by manufacturers in the defense manufacturing base.

(d) DIFFUSION OF ENHANCEMENTS INTO DEFENSE MANUFACTURING BASE.—The Under Secretary shall ensure the utilization in industry of enhancements in productivity and efficiency identified by reason of activities under this subtitle through the following:

(1) Research and development activities under the Manufacturing Technology Program, including the establishment of public-private partnerships.

(2) Outreach through the Manufacturing Extension Partnership Program under memoranda of agreement, cooperative programs, and other appropriate arrangements.

(3) Coordination with activities under such other current programs for the dissemination of manufacturing technology as the Under Secretary considers appropriate.

(4) Identification of incentives for contractors in the defense manufacturing base to incorporate and utilize manufacturing enhancements in the manufacturing activities.

SEC. 233. MANUFACTURING TECHNOLOGY STRATEGIES.

(a) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may—

(1) identify an area of technology where the development of an industry-prepared roadmap for new manufacturing and technology processes applicable to defense manufacturing requirements would be beneficial to the Department of Defense; and

(2) establish a task force, and act in cooperation, with the private sector to map the strategy for the development of manufacturing processes and technologies needed to support technology development in the area identified under paragraph (1).

(b) COMMENCEMENT OF ROADMAPPING.—The Under Secretary shall commence any roadmapping identified pursuant to subsection (a)(1) not later than January 2007.

SEC. 234. REPORT.

(a) IN GENERAL.—Not later than December 31, 2007, the Under Secretary of the Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the actions undertaken by the Under Secretary under this subtitle during fiscal year 2006.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a comprehensive description of the actions undertaken under this subtitle during fiscal year 2006;

(2) an assessment of effectiveness of such actions in enhancing research and development on manufacturing technologies and processes, and implementation of such within the defense manufacturing base; and

(3) such recommendations as the Under Secretary considers appropriate for additional actions to be undertaken in order to increase the effectiveness of the actions undertaken under this subtitle in enhancing manufacturing activities within the defense manufacturing base.

SEC. 235. DEFINITIONS.

In this subtitle:

(1) DEFENSE MANUFACTURING BASE.—The term ''defense manufacturing base'' includes any supplier of the Department of Defense, including a supplier of raw materials.

(2) EXTENDED PRODUCTION ENTERPRISE.—The term ''extended production enterprise'' means a system in which key entities, including entities engaged in product development, manufacturing, sourcing, and user entities, in the manufacturing chain are linked together through information technology and other means to promote efficiency and productivity.

(3) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—The term ''Manufacturing Extension Partnership Program'' means the Manufacturing Extension Partnership Program of the Department of Commerce.

(4) MANUFACTURING TECHNOLOGY PROGRAM.—The term ''Manufacturing Technology Program'' means the Manufacturing Technology Program under the Director of Defense Research and Engineering under section 2521 of title 10, United States Code.

(5) SMALL BUSINESS INNOVATION RESEARCH PROGRAM.—The term ''Small Business Innovation Research Program'' has the meaning given that term in section 2055(11) of title 10, United States Code.

(6) SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.—The term ''Small Business Technology Transfer Program'' has the meaning given that term in section 2500(12) of title 10, United States Code.

Subtitle E—Other Matters

SEC. 241. EXPANSION OF ELIGIBILITY FOR LEADERSHIP OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.

(a) DIRECTOR OF CENTER.—Paragraph (1) of section 196(b) of title 10, United States Code, is amended by striking ''commissioned officers'' and all that follows through the end of the sentence and inserting ''individuals who have substantial experience in the field of test and evaluation.''.

(b) DEPUTY DIRECTOR OF CENTER.—Paragraph (2) of such section is amended by striking ''senior civilian officers and employees of the Department of Defense'' and inserting ''individuals''.

SEC. 242. TECHNOLOGY TRANSITION.

(a) CLARIFICATION OF DUTIES OF TECHNOLOGY TRANSITION COUNCIL.—Paragraph (2) of section 2359a(g) of title 10, United States Code, is amended to read as follows:

''(2) The duty of the Council shall be to support the Undersecretary of Defense for Acquisition, Technology, and Logistics in the development of policies to facilitate the rapid transition of technologies from science and technology programs of the Department of Defense into acquisition programs of the Department.''.

(b) REPORT ON TECHNOLOGY TRANSITION.—

(1) IN GENERAL.—The Secretary of Defense, working through the Technology Transition Council, shall submit to the congressional defense committees a report on the challenges associated with technology transition from the science and technology programs of the Department of Defense to the acquisition programs of the Department, and a strategy to address such challenges, including—

(A) a description of any organizational barriers to technology transition between operations, acquisition, and technology development components of the Department;

(B) an assessment of the effect of Department acquisition regulations on technology transition;

(C) a description of the role of technology transition in the planning, programming, and budgeting processes of the Department;

(D) a description of any other challenges associated with technology transition in the Department that are identified by the Secretary;

(E) a Department-wide strategy for pursuing technology transition; and

(F) such recommendations as the Secretary considers appropriate for the improvement of technology transition and for the elimination of internal barriers within the Department to technology transition.

(2) SUBMITTAL DATE.—The report under paragraph (1) shall be submitted at the same time the budget of the President is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2007.

SEC. 243. PREVENTION, MITIGATION, AND TREATMENT OF BLAST INJURIES.

(a) DESIGNATION OF EXECUTIVE AGENT.—The Secretary of Defense shall designate a senior official of the Department of Defense as the executive agent responsible for coordinating and managing the programs and efforts of the Department of Defense with respect to the prevention, mitigation, and treatment of blast injuries.

(b) GENERAL RESPONSIBILITY.—The executive agent designated under subsection (a) shall be responsible for ensuring that—

(1) the programs and efforts of the Department of Defense on the prevention, mitigation, and treatment of blast injuries are adequate to meet requirements relating to the prevention, mitigation, and treatment of such injuries; and

(2) the resources devoted to such programs and efforts facilitate the achievement of the objective specified in paragraph (1).

(c) RESEARCH EFFORTS.—The executive agent designated under subsection (a) shall—

(1) review and assess the adequacy of current research efforts of the Department of Defense on the prevention, mitigation, and treatment of such injuries;

(2) establish requirements for such research efforts in order to enhance and accelerate such research efforts; and

(3) establish, coordinate, and oversee Department-wide research efforts on the prevention, mitigation, and treatment of such injuries, including—

(A) in the case of blast injury prevention, research on—

(i) blast characterization in a variety of environments;

(ii) modeling and simulation of safe blast stand-off distances;

(iii) detect and defeat capabilities; and

(iv) such other matters as such official considers appropriate;

(B) in the case of blast injury mitigation, research on—

(i) armor design and materials testing for blast and ballistic protection;

(ii) the design of a comprehensive, integrated, flexible armor system which provides blast, ballistic, and fire protection for the head, neck, ears, eyes, torso, and extremities; and

(iii) such other matters as such official considers appropriate; and

(C) in the case of blast injury treatment, research on emerging military medical technologies, pharmacological agents, devices, and treatment and rehabilitation techniques.

(d) STUDIES.—The executive agent designated under subsection (a) shall conduct studies on the prevention, mitigation, and treatment of blast injuries, including—

(1) studies to improve the clinical evaluation and treatment of blast injuries, with an emphasis on traumatic brain injuries and other consequences of blast injury, including acoustic and eye injuries and injuries resulting from over-pressure wave; and

(2) studies to develop improved clinical protocols by which physicians—

(A) can more accurately evaluate traumatic brain injuries and discriminate between traumatic brain injuries and post traumatic stress disorder (including improved diagnostic and cognitive measures);

(B) can identify members of the Armed Forces who may have both traumatic brain injury and post traumatic stress disorder; and

(C) can develop integrated treatment approaches for servicemembers who have both traumatic brain injuries and post traumatic stress disorder and other multiple injuries.

(e) PILOT PROJECTS.—The executive agent designated under subsection (a) shall commence in fiscal year 2006 not less than three pilot projects on the prevention, mitigation, and treatment of blast injuries, including pilot projects—

(1) to study the incidence in returning soldiers of traumatic brain injuries attributable to blast injuries;

(2) to develop protocols for medical tracking of members of the Armed Forces for up to five years following blast injuries; and

(3) to refine and improve educational interventions for blast injury survivors and their families.

(f) TRAINING PROGRAM.—The executive agent designated under subsection (a) shall establish a training program for medical and non-medical personnel on the prevention, mitigation, and treatment of blast injuries which program shall be intended to improve field and clinical training on early identification of blast injury consequences, both seen and unseen, including traumatic brain injuries, acoustic injuries, and internal injuries.

(g) TREATMENT PROGRAM.—The executive agent designated under subsection (a) shall conduct a treatment program intended to enhance the evaluation and care of members of the Armed Forces with traumatic brain injuries in medical facilities in the United States and in deployed medical facilities.

(h) ANNUAL REPORTS ON BLAST INJURY MATTERS.—

(1) REPORTS REQUIRED.—Not later than February 15, 2006, and annually thereafter through 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the efforts of the Department of Defense to prevent, mitigate, and treat blast injuries.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) A description of the activities undertaken under this section during the year preceding the report to improve the prevention, mitigation, and treatment of blast injuries.

(B) A consolidated budget presentation for the programs and activities of the Department of Defense during the fiscal year beginning in the year of the report for the prevention, mitigation, and treatment of blast injuries.

(C) A description of any gaps in the capabilities of the Department under its programs and activities for the prevention, mitigation, and treatment of blast injuries, and a description of any plans or projects to address such gaps.

(D) A description of collaboration, if any, with other departments and agencies of the Federal Government, and with other countries, during the year preceding the report in efforts for the prevention, mitigation, and treatment of blast injuries.

(E) A description of any efforts during the year preceding the report to disseminate findings on the mitigation and treatment of blast injuries through civilian and military research and medical communities.

(F) A description of the status of efforts during the year preceding the report to design a comprehensive force protection system that is effective in confronting blast, ballistic, and fire threats.

(i) BLAST INJURIES DEFINED.—In this section, the term ''blast injuries'' means injuries that occur as the result of the detonation of high explosives, including vehicle-borne and person-borne explosive devices, rocket-propelled grenades, and improvised explosive devices.

SEC. 244. MODIFICATION OF REQUIREMENTS FOR REPORTS ON PROGRAM TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Subsection (e) of section 2374a of title 10, United States Code, is amended to read as follows:

''(e) ANNUAL REPORT.—(1) Not later than March 1 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities undertaken by the Defense Advanced Research Projects Agency in the preceding year under the authority of this section.

''(2) The report for a year under this subsection shall include the following:

''(A) The results of consultations between the Director and officials of the military departments regarding the areas of research, technology development, or prototype development for which prizes would be awarded under the program under this section.

''(B) A description of the proposed goals of the competitions established under the program, including the areas of research, technology development, or prototype development to be promoted by such competitions and the relationship of such areas to the military missions of the Department.

''(C) The total amount of cash prizes awarded under the program, including a description of the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Defense Advanced Research Projects Agency for recording as obligations and expenditures.

''(D) The methods used for the solicitation and evaluation of submissions under the program, together with an assessment of the effectiveness of such methods.

''(E) A description of the resources, including personnel and funding, used in the execution of the program, together with a detailed description of the activities for which such resources were used.

''(F) A description of any plans to transition the technologies or prototypes developed as a result of the program into acquisition programs of the Department.

''(G) For each competition under the program, a statement of the reasons why the competition was a preferable means of promoting basic, advanced, or applied research, technology development, or prototype development projects to other means of promoting such projects, including contracts, grants, cooperative agreements, or other transactions.''.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $24,951,460,000.

(2) For the Navy, $30,547,489,000.

(3) For the Marine Corps, $3,842,026,000.

(4) For the Air Force, $31,425,919,000.

(5) For Defense-wide activities, $18,584,469,000.

(6) For the Army Reserve, $1,989,382,000.

(7) For the Naval Reserve, $1,245,695,000.

(8) For the Marine Corps Reserve, $199,934,000.

(9) For the Air Force Reserve, $2,559,686,000.

(10) For the Army National Guard, $4,528,019,000.

(11) For the Air National Guard, $4,772,991,000.

(12) For the United States Court of Appeals for the Armed Forces, $11,236,000.

(13) For Environmental Restoration, Army, $407,865,000.

(14) For Environmental Restoration, Navy, $305,275,000.

(15) For Environmental Restoration, Air Force, $406,461,000.

(16) For Environmental Restoration, Defense-wide, $28,167,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $261,921,000.

(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $61,546,000.

(19) For Cooperative Threat Reduction programs, $415,549,000.

(20) For the Overseas Contingency Operations Transfer Fund, $20,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,471,340,000.

(2) For the National Defense Sealift Fund, $1,011,304,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Defense Health Program, $19,900,812,000, of which—

(1) $19,351,337,000 is for Operation and Maintenance;

(2) $174,156,000 is for Research, Development, Test, and Evaluation; and

(3) $375,319,000 is for Procurement.

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, $1,425,827,000, of which—

(A) $1,241,514,000 is for Operation and Maintenance;

(B) $67,786,000 is for Research, Development, Test, and Evaluation; and

(C) $116,527,000 is for Procurement.

(2) Amounts authorized to be appropriated under paragraph (1) are authorized for—

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, $895,741,000.

(d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, $209,687,000, of which—

(1) $208,687,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

Subtitle B—Environmental Provisions

SEC. 311. ELIMINATION AND SIMPLIFICATION OF CERTAIN ITEMS REQUIRED IN THE ANNUAL REPORT ON ENVIRONMENTAL QUALITY PROGRAMS AND OTHER ENVIRONMENTAL ACTIVITIES.

Section 2706(b)(2) of title 10, United States Code, is amended—

(1) by striking subparagraphs (D) and (E);

(2) by inserting after subparagraph (C) the following new subparagraph:

''(D) A summary of fines and penalties imposed or assessed against the Department of Defense and the military departments under Federal, State, or local environmental laws during the fiscal year in which the report is submitted and the four preceding fiscal years, which summary shall include—

''(i) a trend analysis of such fines and penalties for military installations inside and outside the United States; and

''(ii) a list of such fines or penalties that exceeded $500,000 and the provisions of law under which such fines or penalties were imposed or assessed.'';

(3) by redesignating subparagraph (F) as subparagraph (E); and

(4) in subparagraph (E), as redesignated by paragraph (3), by striking ''and amounts for conferences'' and all that follows through ''such activities''.

SEC. 312. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS IN CONNECTION WITH THE DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.

(a) PAYMENT FOR ACTIVITIES AT FORMER DEFENSE PROPERTY THAT IS SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL ACTION.—Subsection (d) of section 2701 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)'';

(B) by inserting ''any owner of covenant property,'' after ''tribe,'' the first place it appears; and

(C) by inserting ''owner of covenant property,'' after ''tribe,'' the second place it appears;

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph:

''(4) PERFORMANCE OF SERVICES ON COVENANT PROPERTY.—An owner of covenant property may not be paid on a reimbursable or other basis for services performed under an agreement under paragraph (1) unless such services are performed on such covenant property.''; and

(4) in paragraph (5), as redesignated by paragraph (2), by adding at the end the following new subparagraph:

''(C) The term 'owner of covenant property' means an owner of property subject to a covenant provided by the United States in accordance with section 120(h)(3)(A)(ii)(II) of CERCLA (42 U.S.C. 9620(h)(3)(A)(ii)(II)).''.

(b) APPLICABLE CLEANUP STANDARDS.—Paragraph (3) of such subsection is further amended—

(1) by striking ''An agreement'' and inserting ''(A) An agreement''; and

(2) by inserting at the end the following new subparagraph:

''(B) An agreement under paragraph (1) may not change the cleanup standards applicable to the site as established by law.''.

(c) SOURCE OF FUNDS FOR FORMER BASE CLOSURE AND REALIGNMENT PROPERTY SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL ACTION.—Section 2703 of such title is amended—

(1) in subsection (g)(1), by striking ''The sole source'' and inserting ''Except as provided in subsection (h), the sole source''; and

(2) by adding at the end the following new subsection:

''(h) SOLE SOURCE OF FUNDS FOR CERTAIN ENVIRONMENTAL REMEDIATION AT BASE REALIGNMENT AND CLOSURE SITES.—In the case of property disposed of pursuant to a base closure law and subject to a covenant described in subsection (d)(5)(C) of section 2701 of this title, the sole source of funds for services under subsection (d)(1) of such section shall be the base closure account established under the base closure law under which such property was disposed of.''.

Subtitle C—Other Matters

SEC. 321. AIRCRAFT CARRIERS.

(a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amounts authorized to be appropriated for operation and maintenance for the Navy by this Act and any other Act for fiscal year 2005 and 2006, $288,000,000 shall be available only for repair and maintenance to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—

(1) LIMITATION.—The Secretary of the Navy may not reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:

(A) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(B) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to the congressional defense committees that such agreements have been entered into to provide port facilities for the permanent forward deployment of such number of aircraft carriers as is necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(2) ACTIVE AIRCRAFT CARRIERS.—For purposes of this subsection, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance.

SEC. 322. LIMITATION ON TRANSITION OF FUNDING FOR EAST COAST SHIPYARDS FROM FUNDING THROUGH NAVY WORKING CAPITAL FUND TO DIRECT FUNDING.

(a) LIMITATION.—The Secretary of the Navy may not convert funding for the shipyards of the Navy on the Eastern Coast of the United States from funding through the working capital fund of the Navy to funding on a direct basis (also known as ''mission funding'') until the later of—

(1) the date that is six months after the date on which the Secretary submits to the congressional defense committees the report required by subsection (b); or

(2) October 1, 2006.

(b) REPORT ON DIRECT FUNDING FOR PUGET SOUND NAVAL SHIPYARD.—The Secretary shall submit to the congressional defense committees a report that contains the assessment of the Secretary on the effects on Puget Sound Naval Shipyard, Washington, of the conversion of funding for Puget Sound Naval Shipyard from funding through the working capital fund of the Navy to funding on a direct basis.

SEC. 323. USE OF FUNDS FROM NATIONAL DEFENSE SEALIFT FUND TO EXERCISE PURCHASE OPTIONS ON MARITIME PREPOSITIONING SHIP VESSELS.

(a) USE OF FUNDS.—Notwithstanding the provisions of section 2218(f)(1) of title 10, United States Code, the Secretary of Defense may obligate and expend any funds in the National Defense Sealift Fund to exercise options to purchase three Maritime Prepositioning Ship (MPS) vessels under charter to the Navy as of the date of the enactment of this Act, the contracts for which charters expire in 2009.

(b) NATIONAL DEFENSE SEALIFT FUND DEFINED.—In this section, the term ''National Defense Sealift Fund'' means the National Defense Sealift Fund established by section 2218 of title 10, United States Code.

SEC. 324. PURCHASE AND DESTRUCTION OF WEAPONS OVERSEAS.

(a) AUTHORITY TO USE FUNDS.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2249d. Use of appropriated funds for purchase and destruction of weapons overseas

''(a) PURCHASE OF WEAPONS.—Amounts appropriated or otherwise available to the Department of Defense for operation and maintenance may be used to purchase weapons overseas from any person, foreign government, international organization, or other entity for the purpose of protecting United States forces engaged in military operations overseas.

''(b) DESTRUCTION OF WEAPONS.—Weapons purchased under the authority in subsection (a) may be destroyed.

''(c) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify the congressional defense committees of any use of the authority in subsection (a) to purchase weapons.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2249d. Use of appropriated funds for purchase and destruction of weapons overseas.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005, and shall apply with respect to funds appropriated or otherwise made available for fiscal years after fiscal year 2005.

SEC. 325. INCREASE IN MAXIMUM CONTRACT AMOUNT FOR PROCUREMENT OF SUPPLIES AND SERVICES FROM EXCHANGE STORES OUTSIDE THE UNITED STATES.

Section 2424(b)(1) of title 10, United States Code, is amended by striking ''$50,000'' and inserting ''$100,000''.

SEC. 326. EXTENSION OF AUTHORITY TO PROVIDE LOGISTICS SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.

Section 365(g)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2520; 10 U.S.C. 2302 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2010''.

SEC. 327. ARMY TRAINING STRATEGY.

(a) TRAINING STRATEGY.—

(1) STRATEGY REQUIRED.—The Secretary of the Army shall develop and implement a training strategy to ensure the readiness of brigade-based combat teams and functional supporting brigades.

(2) ELEMENTS.—The training strategy shall include the following:

(A) A statement of the purpose of training for brigade-based combat teams and supporting brigades.

(B) Performance goals for both active and reserve brigade-based combat teams and supporting brigades, including goals for live, virtual, and constructive training for each component and brigade type.

(C) Metrics to quantify performance against the performance goals specified under subparagraph (B).

(D) A process to report the accomplishment of collective training by which Army leadership can monitor the training performance of brigade-based combat teams and functional supporting brigades.

(E) A model to quantify, and to forecast, operation and maintenance funding required to attain training goals.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the requirements to be fulfilled in order to implement the training strategy developed under subsection (a).

(2) ELEMENTS.—The report shall include the following:

(A) A discussion of the training strategy developed under subsection (a), including a description of performance goals and metrics developed under that subsection.

(B) A discussion and description of the training range requirements necessary to implement the training strategy.

(C) A discussion and description of the training aids, devices, simulations and simulators necessary to implement the training strategy.

(D) A list of the funding requirements, itemized by fiscal year and specified in a format consistent with the future-years defense program to accompany the budget of the President for fiscal year 2007 under section 221 of title 10, United States Code, necessary to fulfill the range requirements described in subparagraph (B) and to provide the training aids, devices, simulations, and simulators described in subparagraphs (C).

(E) A schedule for the implementation of the training strategy.

(F) A discussion of the challenges that the Army anticipates in the implementation of the training strategy.

(c) COMPTROLLER GENERAL REVIEW OF IMPLEMENTATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall monitor the implementation of the training strategy developed under subsection (a).

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the assessment of the Comptroller General of the current progress of the Army in implementing the training strategy.

SEC. 328. LIMITATION ON FINANCIAL MANAGEMENT IMPROVEMENT AND AUDIT INITIATIVES WITHIN THE DEPARTMENT OF DEFENSE.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 may not be obligated or expended for the purposes of financial management improvement activities relating to the preparation, processing, or auditing of financial statements until the Secretary of Defense prepares and submits to the congressional defense committees the following:

(1) A comprehensive and integrated financial management improvement plan that—

(A) describes specific actions to be taken to correct financial management deficiencies that impair the ability of the Department of Defense to prepare timely, reliable, and complete financial management information; and

(B) systematically ties such actions to process and control improvements and business systems modernization efforts described in the business enterprise architecture and transition plan required by section 2222 of title 10, United States Code.

(2) A written determination that each of the financial management improvement activities to be undertaken are—

(A) consistent with the financial management improvement plan submitted pursuant to paragraph (1); and

(B) likely to improve internal controls or otherwise result in sustained improvements in the ability of the Department to produce timely, reliable, and complete financial management information.

SEC. 329. STUDY ON USE OF ETHANOL FUEL.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study on the use of ethanol fuel by the Armed Forces and the Defense Agencies.

(b) ELEMENTS.—The study shall include—

(1) an evaluation of the historical utilization of ethanol fuel by the Armed Forces and the Defense Agencies, including the quantity of ethanol fuel acquired by the Department of Defense for the Armed Forces and the Defense Agencies during the 5-year period ending on the date of the report under subsection (c);

(2) a forecast of the requirements of the Armed Forces and the Defense Agencies for ethanol fuel for each of fiscal years 2007 through 2012;

(3) an assessment of the current and future commercial availability of ethanol fuel, including facilities for the production, storage, transportation, distribution, and commercial sale of such fuel;

(4) an assessment of the utilization by the Department of the commercial infrastructure for ethanol fuel as described in paragraph (3);

(5) a review of the actions of the Department to coordinate with State, local, and private entities to support the expansion and use of alternative fuel refueling stations that are accessible to the public; and

(6) an assessment of the fueling infrastructure on military installations in the United States, including storage and distribution facilities, that could be adapted or converted to the delivery of ethanol fuel, including—

(A) an assessment of cost of the adaptation or conversion of such infrastructure to the delivery of ethanol fuel; and

(B) an assessment of the feasibility and advisability of that adaptation or conversion.

(c) REPORT.—Not later than February 1, 2006, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (a).

(d) ETHANOL FUEL DEFINED.—In this section, the term ''ethanol fuel'' means fuel that is 85 percent ethyl alcohol.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2006, as follows:

(1) The Army, 522,400.

(2) The Navy, 352,700.

(3) The Marine Corps, 178,000.

(4) The Air Force, 357,400.

SEC. 402. REVISION OF PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

(a) REVISION.—Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) For the Army, 522,400.

''(2) For the Navy, 352,700.

''(3) For the Marine Corps, 178,000.

''(4) For the Air Force, 357,400.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2006, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 73,100.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,800.

(6) The Air Force Reserve, 74,000.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2006, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 27,396.

(2) The Army Reserve, 15,270.

(3) The Naval Reserve, 13,392.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 13,123.

(6) The Air Force Reserve, 2,290.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2006 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 7,649.

(2) For the Army National Guard of the United States, 25,563.

(3) For the Air Force Reserve, 9,852

(4) For the Air National Guard of the United States, 22,971.

SEC. 414. FISCAL YEAR 2006 LIMITATIONS ON NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—(1) Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2006, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) The number of non-dual status technicians employed by the Army Reserve as of September 30, 2006, may not exceed 695.

(3) The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2006, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given the term in section 10217(a) of title 10, United States Code.

Subtitle C—Authorizations of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2006 a total of $109,179,601,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2006.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2006 from the Armed Forces Retirement Home Trust Fund the sum of $58,281,000 for the operation of the Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. EXCLUSION OF GENERAL AND FLAG OFFICERS ON LEAVE PENDING SEPARATION OR RETIREMENT FROM COMPUTATION OF ACTIVE DUTY OFFICERS FOR GENERAL AND FLAG OFFICER DISTRIBUTION AND STRENGTH LIMITATIONS.

(a) DISTRIBUTION LIMITATIONS.—Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) In determining the total number of general officers or flag officers of an armed force on active duty for purposes of this section, an officer of that armed force in the grade of brigadier general or above, or an officer in the grade of rear admiral (lower half) or above in the Navy, who is on leave pending the separation, retirement, or release of such officer from active duty shall not be counted, but only during the 60-day period beginning on the date of the commencement of leave of such officer.''.

(b) ACTIVE DUTY STRENGTH LIMITATIONS.—

(1) IN GENERAL.—Section 526 of such title is amended by adding at the end the following new subsection:

''(e) EXCLUSION OF CERTAIN OFFICERS ON LEAVE PENDING SEPARATION OR RETIREMENT.—The limitations of this section do not apply to general or flag officers on leave pending separation, retirement, or release

from active duty as described in section 525(e) of this title.''.

(2) CONFORMING AMENDMENT.—The heading of subsection (d) of such section is amended by striking ''CERTAIN OFFICERS'' and inserting ''CERTAIN RESERVE OFFICERS ON ACTIVE DUTY''.

SEC. 502. EXPANSION OF JOINT DUTY ASSIGNMENTS FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS.

(a) INCREASE IN AUTHORIZED NUMBER.—Section 526(b)(2)(A) of title 10, United States Code, is amended by striking ''10'' and inserting ''11''.

(b) ASSIGNMENT TO JOINT STAFF.—Such section is further amended by inserting '', and on the Joint Staff,'' after ''commands''.

SEC. 503. DEADLINE FOR RECEIPT BY PROMOTION SELECTION BOARDS OF CORRESPONDENCE FROM ELIGIBLE OFFICERS.

(a) OFFICERS ON ACTIVE DUTY LIST.—Section 614(b) of title 10, United States Code, is amended by inserting ''the date before'' after ''not later than''.

(b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—Section 14106 of such title is amended by inserting ''the date before'' after ''not later than''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2006, and shall apply with respect to selection boards convened on or after that date.

SEC. 504. FURNISHING TO PROMOTION SELECTION BOARDS OF ADVERSE INFORMATION ON OFFICERS ELIGIBLE FOR PROMOTION TO CERTAIN SENIOR GRADES.

(a) OFFICERS ON ACTIVE-DUTY LIST.—

(1) IN GENERAL.—Section 615(a) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) In the case of an eligible officer considered for promotion to the grade of lieutenant colonel, or commander in the case of the Navy, or above, any information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in paragraph (4), as redesignated by paragraph (1)(A) of this subsection, by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(B) in paragraph (5), as so redesignated, by striking ''and (3)'' and inserting '', (3), and (4)'';

(C) in paragraph (6), as so redesignated—

(i) in the matter preceding subparagraph (A), by inserting '', or in paragraph (3),'' after ''paragraph (2)''; and

(ii) in subparagraph (B), by inserting ''or (3), as applicable'' after ''paragraph (2)''; and

(D) in subparagraph (A) of paragraph (7), as so redesignated, by inserting ''or (3)'' after ''paragraph (2)(B)''.

(b) RESERVE OFFICERS.—

(1) IN GENERAL.—Section 14107(a) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):

''(3) In the case of an eligible officer considered for promotion to the grade of lieutenant colonel, or commander in the case of the Navy, or above, any information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in paragraph (4), as redesignated by paragraph (1)(A) of this subsection, by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(B) in paragraph (5), as so redesignated, by striking ''and (3)'' and inserting '', (3), and (4)'';

(C) in paragraph (6), as so redesignated—

(i) in the matter preceding subparagraph (A), by inserting '', or in paragraph (3),'' after ''paragraph (2)''; and

(ii) in subparagraph (B), by inserting ''or (3), as applicable'' after ''paragraph (2)''; and

(D) in subparagraph (A) of paragraph (7), as so redesignated, by inserting ''or (3)'' after ''paragraph (2)(B)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006, and shall apply with respect to promotion selection boards convened on or after that date.

SEC. 505. GRADES OF THE JUDGE ADVOCATES GENERAL.

(a) JUDGE ADVOCATE GENERAL OF THE ARMY.—Section 3037(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentences: ''The Judge Advocate General, while so serving, has the grade of lieutenant general. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.''.

(b) JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of such title is amended by striking the last sentence and inserting the following new sentence: ''The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate.''.

(c) JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037(a) of such title is amended by striking the last sentence and inserting the following new sentence: ''The Judge Advocate General, while so serving, has the grade of lieutenant general.''.

(d) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICER DISTRIBUTION.—Section 525(b) of such title is amended by adding at the end the following new paragraph:

''(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as the case may be.''.

SEC. 506. TEMPORARY EXTENSION OF AUTHORITY TO REDUCE MINIMUM LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) in paragraph (1), as so designated, by striking '', during the period beginning on October 1, 1990, and ending on December 31, 2001,''; and

(3) by adding at the end the following new paragraph:

''(2) The authority in paragraph (1) may be exercised during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on December 31, 2008.''.

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2) of such title is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) in subparagraph (A), as so designated, by striking '', during the period beginning on October 1, 1990, and ending on December 31, 2001,''; and

(3) by adding at the end the following new subparagraph:

''(B) The authority in subparagraph (A) may be exercised during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on December 31, 2008.''.

(c) AIR FORCE.—Section 8911(b) of such title is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) in paragraph (1), as so designated, by striking '', during the period beginning on October 1, 1990, and ending on December 31, 2001,''; and

(3) by adding at the end the following new paragraph:

''(2) The authority in paragraph (1) may be exercised during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on December 31, 2008.''.

SEC. 507. MODIFICATION OF STRENGTH IN GRADE LIMITATIONS APPLICABLE TO RESERVE FLAG OFFICERS IN ACTIVE STATUS.

(a) LINE OFFICERS.—Paragraph (1) of section 12004(c) of title 10, United States Code, is amended in the item in the table relating to Line officers by striking ''28'' and inserting ''33''.

(b) MEDICAL DEPARTMENT STAFF CORPS OFFICERS.—Such paragraph is further amended in the item in the table relating to the Medical Department staff corps officers by striking ''9'' and inserting ''5''.

(c) SUPPLY CORPS OFFICERS.—Paragraph (2)(A) of such section is amended by striking ''seven'' and inserting ''six''.

(d) CONFORMING AMENDMENT.—Paragraph (1) of such section is further amended in the matter preceding the table by striking ''39'' and inserting ''40''.

SEC. 508. UNIFORM AUTHORITY FOR DEFERMENT OF SEPARATION OF RESERVE GENERAL AND FLAG OFFICERS FOR AGE.

(a) IN GENERAL.—Section 14512 of title 10, United States Code, is amended to read as follows:

''§ 14512. Separation at age 64

''(a) IN GENERAL.—The Secretary of the military department concerned may, subject to subsection (b), defer the retirement under section 14510 or 14511 of this title of a reserve officer of the Army, Air Force, or Marine Corps in a grade above colonel, or a reserve officer of the Navy in a grade above captain, and retain such officer in active status until such officer becomes 64 years of age.

''(b) LIMITATION ON NUMBER OF DEFERMENTS.—(1) Not more than 10 officers may be deferred by the Secretary of a military department under subsection (a) at any one time.

''(2) Deferments by the Secretary of the Navy may be distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of such title is amended by striking the item relating to section 14512 and inserting the following new item:

''14512. Separation at age 64.''.

Subtitle B—Enlisted Personnel Policy

SEC. 521. UNIFORM CITIZENSHIP OR RESIDENCY REQUIREMENTS FOR ENLISTMENT IN THE ARMED FORCES.

(a) UNIFORM REQUIREMENTS.—Section 504 of title 10, United States Code, is amended—

(1) by inserting ''(a) INSANITY, DESERTION, FELONS, ETC..—'' before ''No person''; and

(2) by adding at the end the following new subsection:

''(b) CITIZENSHIP OR RESIDENCY.—(1) No person may be enlisted in any armed force unless such person is a citizen or national of the United States, a habitual resident of the Federal States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands, or has been lawfully admitted to the United States for permanent residence under the applicable provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

''(2) The Secretary concerned may waive the applicability of paragraph (1) to a person if such Secretary determines that the enlistment of such person is vital to the national interest.''.

(b) REPEAL OF SUPERSEDED LIMITATIONS FOR THE ARMY AND AIR FORCE.—Sections 3253 and 8253 of such title are repealed.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 333 of such title is amended by striking the item relating to section 3253.

(2) The table of sections at the beginning of chapter 833 of such title is amended by striking the item relating to section 8253.

Subtitle C—Reserve Component Personnel Matters

SEC. 531. REQUIREMENTS FOR PHYSICAL EXAMINATIONS AND MEDICAL AND DENTAL READINESS FOR MEMBERS OF THE SELECTED RESERVE NOT ON ACTIVE DUTY.

(a) IN GENERAL.—Subsection (a) of section 10206 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''examined'' and all that follows through the semicolon and inserting ''provided a comprehensive physical examination on an annual basis;''; and

(2) in paragraph (2), by striking ''annually to the Secretary concerned'' and all that follows and inserting ''to the Secretary concerned on an annual basis documentation of the medical and dental readiness of the member to perform military duties.''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''**periodic**''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by striking ''periodic''.

SEC. 532. REPEAL OF LIMITATION ON AMOUNT OF FINANCIAL ASSISTANCE UNDER RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—Section 2107(c) of title 10, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) in subparagraph (B) of paragraph (4), as so redesignated, by striking '', (3), or (4)'' and inserting ''or (3)''.

(b) ARMY RESERVE AND ARMY NATIONAL GUARD MEMBERS.—Section 2107a(c) of such title is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(c) CONFORMING AMENDMENT.—Section 524(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1889) is amended by striking ''paragraph (5)'' and all that follows through ''subsection (b)'' and inserting ''paragraph (4) of section 2107(c) of title 10, United States Code (as added by subsection (a) of this section and redesignated by section 532(a)(2) of the National Defense Authorization Act for Fiscal Year 2006), and under paragraph (3) of section 2107a(c) of title 10, United States Code (as added by subsection (b) of this section and redesignated by section 532(b)(2) of such Act)''.

SEC. 533. PROCEDURES FOR SUSPENDING FINANCIAL ASSISTANCE AND SUBSISTENCE ALLOWANCE FOR SENIOR ROTC CADETS AND MIDSHIPMEN ON THE BASIS OF HEALTH-RELATED CONDITIONS.

(a) REQUIREMENTS.—Section 2107 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j)(1) Payment of financial assistance under this section for, and payment of a monthly subsistence allowance under section 209 of title 37 to, a cadet or midshipman appointed under this section may be suspended on the basis of health-related incapacity of the cadet or midshipman only in accordance with regulations prescribed under paragraph (2).

''(2) The Secretary of Defense shall prescribe in regulations the policies and procedures for suspending payments under paragraph (1). The regulations shall apply uniformly to all of the military departments. The regulations shall include the following matters:

''(A) The standards of health-related fitness that are to be applied.

''(B) Requirements for—

''(i) the health-related condition and prognosis of a cadet or midshipman to be determined, in relation to the applicable standards prescribed under subparagraph (A), by a health care professional on the basis of a medical examination of the cadet or midshipman; and

''(ii) the Secretary concerned to take into consideration the determinations made under clause (i) with respect to such condition in deciding whether to suspend payment in the case of such cadet or midshipman on the basis of that condition.

''(C) A requirement for the Secretary concerned to transmit to a cadet or midshipman proposed for suspension under this subsection a notification of the proposed suspension together with the determinations made under subparagraph (B)(i) in the case of the proposed suspension.

''(D) A procedure for a cadet or midshipman proposed for suspension under this subsection to submit a written response to the proposal for suspension, including any supporting information.

''(E) Requirements for—

''(i) one or more health-care professionals to review, in the case of such a response of a cadet or midshipman, each health-related condition and prognosis addressed in the response, taking into consideration the matters submitted in such response; and

''(ii) the Secretary concerned to take into consideration the determinations made under clause (i) with respect to such condition in making a final decision regarding whether to suspend payment in the case of such cadet or midshipman on the basis of that condition, and the conditions under which such suspension may be lifted.''.

(b) TIME FOR PROMULGATION OF REGULATIONS.—The Secretary of Defense shall prescribe the regulations required under subsection (j) of section 2107 of title 10, United States Code (as added by subsection (a)), not later than May 1, 2006.

SEC. 534. INCREASE IN MAXIMUM NUMBER OF ARMY RESERVE AND ARMY NATIONAL GUARD CADETS UNDER RESERVE OFFICERS' TRAINING CORPS.

Section 2107a(h) of title 10, United States Code, is amended by striking ''208 cadets'' and inserting ''416 cadets''.

SEC. 535. MODIFICATION OF EDUCATIONAL ASSISTANCE FOR RESERVES SUPPORTING CONTINGENCY AND OTHER OPERATIONS.

(a) OFFICIAL RECEIVING ELECTIONS OF BENEFITS.—Section 16163(e) of title 10, United States Code, is amended by striking ''Secretary concerned'' and inserting ''Secretary of Veterans Affairs''.

(b) EXCEPTION TO IMMEDIATE TERMINATION OF ASSISTANCE.—Section 16165 of such title is amended—

(1) by striking ''Educational assistance'' and inserting ''(a) IN GENERAL.—Except as provided in subsection (b), educational assistance''; and

(2) by adding at the end the following new subsection:

''(b) EXCEPTION.—Under regulations prescribed by the Secretary of Defense, educational assistance may be provided under this chapter to a member of the Selected Reserve of the Ready Reserve who incurs a break in service in the Selected Reserve of not more than 90 days if the member continues to serve in the Ready Reserve during and after such break in service.''.

SEC. 536. REPEAL OF LIMITATION ON AUTHORITY TO REDESIGNATE THE NAVAL RESERVE AS THE NAVY RESERVE.

Section 517(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1884; 10 U.S.C. 10101 note) is amended by striking '', which date'' and all that follows through the end and inserting a period.

SEC. 537. PERFORMANCE BY RESERVE COMPONENT PERSONNEL OF OPERATIONAL TEST AND EVALUATION AND TRAINING RELATING TO NEW EQUIPMENT.

(a) PILOT PROGRAM.—The Secretary of the Army shall carry out a pilot program to evaluate the feasibility and advisability of—

(1) utilizing members of the reserve components of the Army, rather than contractor personnel, to perform test, evaluation, new equipment training, and related activities for one or more acquisition programs selected by the Secretary for purposes of the pilot program; and

(2) utilizing funds otherwise available for multi-year purposes for such activities in appropriations for research, development, test, and evaluation, and for procurement, in order to reimburse appropriations for personnel for the costs of pay, allowances, and expenses of such members in the performance of such activities.

(b) NONWAIVER OF PERSONNEL AND TRAINING POLICIES AND PROCEDURES.—Nothing in this section may be construed to authorize any deviation from established personnel or training policies or procedures that are applicable to the reserve components of the personnel used under the pilot program.

(c) REIMBURSEMENT AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may transfer from appropriations for research, development, test, and evaluation, or for procurement, for an acquisition program under the pilot program under subsection (a) to appropriations for reserve component personnel of the Army amounts necessary to reimburse appropriations for reserve component personnel of the Army for pay, allowances, and expenses of reserve component personnel of the Army in performing activities under the pilot program.

(2) LIMITATION.—The amount that may be transferred under paragraph (1) in any fiscal year may not exceed $10,000,000.

(3) MERGER OF FUNDS.—Amounts transferred to an account under paragraph (1) shall be merged with other amounts in such account, and shall be available for the same period, and subject to the same limitations, as the amounts with which merged.

(4) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to transfer funds under paragraph (1) is in addition to any other authority to transfer funds under law.

(d) TERMINATION.—The authority to carry out the pilot program under subsection (a) shall expire on September 30, 2010.

(e) REPORT.—Not later than March 1, 2010, the Secretary of the Army shall, in consultation with the Secretary of Defense, submit

to the congressional defense committees a report on the pilot program under subsection (a). The report shall include—

(1) a comprehensive description of the pilot program, including the acquisition programs covered by the pilot program and the activities performed by members of the reserve components of the Army under the pilot program;

(2) an assessment of the benefits, including cost savings and other benefits, of the performance of activities under the pilot program by members of the reserve components of the Army rather than by contractor personnel; and

(3) any recommendations for legislative or administrative action that the Secretary considers appropriate in light of the pilot program.

Subtitle D—Military Justice and Related Matters

SEC. 551. MODIFICATION OF PERIODS OF PROSECUTION BY COURTS-MARTIAL FOR MURDER, RAPE, AND CHILD ABUSE.

(a) UNLIMITED PERIOD FOR MURDER AND RAPE.—Subsection (a) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended by striking ''or with any offense'' and inserting ''with murder or rape, or with any other offense''.

(b) EXTENDED PERIOD FOR CHILD ABUSE.—Subsection (b)(2) of such section (article) is amended—

(1) in subparagraph (A), by striking ''before the child attains the age of 25 years'' and all that follows through the period and inserting ''by an officer exercising summary court-martial jurisdiction with respect to that person during the life of the victim or the date that is five years after the date of the offense, whichever is the later date.'';

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''sexual or physical''; and

(B) in clause (v), by striking ''Indecent assault,'' and inserting ''Kidnapping, indecent assault,''; and

(3) by adding at the end the following new subparagraph:

''(C) In subparagraph (A), the term 'child abuse offense' also includes an act that involves abuse of a person who has not attained the age of 18 years and would constitute an offense under chapter 110 or 117 or section 1591 of title 18.''.

SEC. 552. ESTABLISHMENT OF OFFENSE OF STALKING.

(a) ESTABLISHMENT OF OFFENSE.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 893 (article 93) the following new section (article):

''§ 893a. Art. 93a. Stalking

''(a) Any person subject to this chapter—

''(1) who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family;

''(2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family; and

''(3) whose acts induce reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself or to a member of his or her immediate family,

is guilty of stalking and shall be punished as a court-martial may direct.

''(b) For purposes of this section:

''(1) The term 'course of conduct' means—

''(A) a repeated maintenance of visual or physical proximity to a specific person; or

''(B) a repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or toward a specific person.

''(2) The term 'repeated', with respect to conduct, means two or more occasions of such conduct.

''(3) The term 'immediate family', in the case of a specific person, means a spouse, parent, child, or sibling of the person, or any other family member or relative of the person who regularly resides in the household of the person or who within the six months preceding the commencement of the course of conduct regularly resided in the household of the person.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of such chapter is amended by inserting after the item relating to section 893 (article 93) the following new item:

''893a. Art. 93a. Stalking.''.

SEC. 553. CLARIFICATION OF AUTHORITY OF MILITARY LEGAL ASSISTANCE COUNSEL.

Section 1044 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d)(1) Notwithstanding any law regarding the licensure of attorneys, a judge advocate or civilian attorney who is authorized to provide military legal assistance is authorized to provide that assistance in any jurisdiction, subject to such regulations as may be prescribed by the Secretary concerned.

''(2) In this subsection, the term 'military legal assistance' includes—

''(A) legal assistance provided under this section; and

''(B) legal assistance contemplated by sections 1044a, 1044b, 1044c, and 1044d of this title.''.

SEC. 554. ADMINISTRATIVE CENSURES OF MEMBERS OF THE ARMED FORCES.

(a) AUTHORITY TO ISSUE ADMINISTRATIVE CENSURES.—

(1) AUTHORITY OF SECRETARY OF DEFENSE.—The Secretary of Defense may issue, in writing, an administrative censure to any member of the Armed Forces.

(2) AUTHORITY OF SECRETARIES OF MILITARY DEPARTMENTS.—The Secretary of a military department may issue, in writing, an administrative censure to any member of the Armed Forces under the jurisdiction of such Secretary.

(3) REGULATIONS.—Administrative censures shall be issued under this section pursuant to regulations prescribed by the Secretary of Defense. The regulations shall apply uniformly throughout the military departments.

(b) ADMINISTRATIVE CENSURE.—For purposes of this section, an administrative censure is a statement of adverse opinion or criticism with respect to the conduct or performance of duty of a member of the Armed Forces.

(c) FINALITY.—An administrative censure issued under this section is final and may not be appealed by the member of the Armed Forces concerned.

(d) CONSTRUCTION.—The authority under this section to issue administrative censures with respect to the conduct or performance of duty of a member of the Armed Forces is in addition to the authority to impose nonjudicial punishment with respect to such conduct or performance of duty under section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

SEC. 555. REPORTS BY OFFICERS AND SENIOR ENLISTED PERSONNEL OF MATTERS RELATING TO VIOLATIONS OR ALLEGED VIOLATIONS OF CRIMINAL LAW.

(a) REQUIREMENT FOR REPORTS.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe in regulations a requirement that each covered member of the Armed Forces, whether on the active-duty list or on the reserve active-status list, shall submit to an authority in the military department concerned designated pursuant to such regulations a timely report on any investigation, arrest, charge, detention, adjudication, or conviction of such member by any law enforcement authority of the United States for a violation of a criminal law of the United States, whether or not such member is on active duty at the time of the conduct that provides the basis of such investigation, arrest, charge, detention, adjudication, or conviction. The regulations shall apply uniformly throughout the military departments.

(2) COVERED MEMBERS.—In this section, the term ''covered member of the Armed Forces'' means the following:

(A) An officer.

(B) An enlisted member in the grade of E–7 or above.

(b) LAW ENFORCEMENT AUTHORITY OF THE UNITED STATES.—For purposes of this section, a law enforcement authority of the United States includes—

(1) a military or other Federal law enforcement authority;

(2) a State or local law enforcement authority; and

(3) such other law enforcement authorities within the United States as the Secretary shall specify in the regulations prescribed pursuant to subsection (a).

(c) CRIMINAL LAW OF THE UNITED STATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of this section, a criminal law of the United States includes—

(A) any military or other Federal criminal law;

(B) any State, county, municipal, or local criminal law or ordinance; and

(C) such other criminal laws and ordinances of jurisdictions within the United States as the Secretary shall specify in the regulations prescribed pursuant to subsection (a).

(2) EXCEPTION.—For purposes of this section, a criminal law of the United States shall not include a law or ordinance specifying a minor traffic offense (as determined by the Secretary for purposes of such regulations).

(d) ACTIONS SUBJECT TO REPORT.—

(1) IN GENERAL.—The regulations prescribed pursuant to subsection (a) shall specify each action of a law enforcement authority of the United States for which a report under that subsection shall be required.

(2) MULTIPLE REPORTS ON SINGLE CONDUCT.—If the conduct of a covered member of the Armed Forces would provide the basis for actions of a law enforcement authority of the United States warranting more than one report under this section, the regulations shall specify which of such actions such be subject to a report under this section.

(e) TIMELINESS OF REPORTS.—The regulations prescribed pursuant to subsection (a) shall establish requirements for the timeliness of reports under this section.

(f) FORWARDING OF INFORMATION.—The regulations prescribed pursuant to subsection (a) shall provide that, in the event a military department receives information that a covered member of the Armed Forces under the jurisdiction of another military department has become subject to an investigation, arrest, charge, detention, adjudication, or conviction for which a report is required by this

section, the Secretary of the military department receiving such information shall, in accordance with such procedures as the Secretary of Defense shall establish in such regulations, forward such information to the authority in the military department having jurisdiction over such member designated pursuant to such regulations.

(g) DEADLINE FOR REGULATIONS.—The regulations required by subsection (a), including the requirement in subsection (f), shall go into effect not later than January 1, 2006.

Subtitle E—Military Service Academies

SEC. 561. AUTHORITY TO RETAIN PERMANENT MILITARY PROFESSORS AT THE NAVAL ACADEMY AFTER MORE THAN 30 YEARS OF SERVICE.

(a) AUTHORITY TO RETAIN.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by inserting after section 6952 the following new section:

''§ 6952a. Faculty: retention of permanent military professors

''(a) RETIREMENT FOR YEARS OF SERVICE.—(1) Except as provided in subsection (b), an officer serving as a permanent military professor at the Naval Academy in the grade of commander who is not on a list of officers recommended for promotion to the grade of captain shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 28 years of active commissioned service.

''(2) Except as provided in subsection (b), an officer serving as a permanent military professor at the Naval Academy in the grade of captain who is not on a list of officers recommended for promotion to the grade of rear admiral (lower half) shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 30 years of active commissioned service.

''(b) CONTINUATION ON ACTIVE DUTY.—(1) An officer subject to retirement under subsection (a) may be continued on active duty by the Secretary of the Navy after the date otherwise provided for retirement under such subsection—

''(A) upon the recommendation of the Superintendent of the Naval Academy; and

''(B) with the concurrence of the Chief of Naval Operations.

''(2) The Secretary of the Navy shall determine the period of continuation on active duty of an officer under this subsection.

''(c) ELIGIBILITY FOR PROMOTION.—A permanent military professor at the Naval Academy who has been retained on active duty as a permanent military professor after more than 28 years of active commissioned service in the grade of commander under subsection (b) is eligible for consideration for promotion to the grade of captain.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6952 the following new item:

''6952a. Faculty: retention of permanent military professors.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 633 of such title is amended—

(A) by striking ''and an officer'' and inserting '', an officer''; and

(B) by inserting '', and an officer who is a permanent military professor at the Naval Academy to whom section 6952a of this title applies,'' after ''section 6383 of this title applies''.

(2) Section 634 of such title is amended by inserting ''and an officer who is a permanent military professor at the Naval Academy to whom section 6952a of this title applies,'' after ''section 6383(a)(4) of this title''.

Subtitle F—Administrative Matters

SEC. 571. CLARIFICATION OF LEAVE ACCRUAL FOR MEMBERS ASSIGNED TO A DEPLOYABLE SHIP OR MOBILE UNIT OR OTHER DUTY.

Subparagraph (B) of section 701(f)(1) of title 10, United States Code, is amended to read as follows:

''(B) This subsection applies to a member who—

''(i) serves on active duty for a continuous period of at least 120 days in an area in which the member is entitled to special pay under section 310(a) of title 37; or

''(ii) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section.''.

SEC. 572. LIMITATION ON CONVERSION OF MILITARY MEDICAL AND DENTAL BILLETS TO CIVILIAN POSITIONS.

(a) LIMITATION.—Commencing as of the date of the enactment of this Act, no military medical or dental billet may be converted to a civilian position until 90 days after the date on which the Secretary of Defense certifies to the congressional defense committees each of the following:

(1) That the conversion of military medical or dental billets to civilian positions, whether before the date of the enactment or as scheduled after the limitation under this subsection no longer applies, will not result in an increase in civilian health care costs.

(2) That the conversion of such billets to such positions meets the joint medical and dental readiness requirements of the uniformed services, as determined jointly by all the uniformed services.

(3) That, as determined pursuant to market surveys conducted under subsection (b), the civilian medical and dental care providers available in each affected area are adequate to fill the civilian positions created by the conversion of such billets to such positions in such affected area.

(b) MARKET SURVEYS.—The Secretary of Defense shall conduct in each affected area a survey of the availability of civilian medical and dental care providers in such area in order to determine, for purposes of subsection (a)(3), whether or not the civilian medical and dental care providers available in such area are adequate to fill the civilian positions created by the conversion of medical and dental billets to civilian positions in such area.

(c) DEFINITIONS.—In this section:

(1) The term ''affected area'' means an area in which the conversion of military medical or dental billets to civilian positions has taken place as of the date of the enactment of this Act or is scheduled to take place after the limitation under subsection (a) no longer applies.

(2) The term ''uniformed services'' has the meaning given that term in section 1072(1) of title 10, United States Code.

Subtitle G—Defense Dependents Education Matters

SEC. 581. EXPANSION OF AUTHORIZED ENROLLMENT IN DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS OVERSEAS.

The Defense Dependents' Education Act of 1978 (20 U.S.C. 931 et seq.) is amended by inserting after section 1404 the following new section:

''ENROLLMENT OF CERTAIN ADDITIONAL CHILDREN ON TUITION-FREE BASIS

''SEC. 1404A. (a) The Secretary of Defense may, under regulations to be prescribed by the Secretary, authorize the enrollment in schools of the defense dependents' education system on a tuition-free basis the children of full-time, locally-hired employees of the Department of Defense in an overseas area if such employees are citizens or nationals of the United States.

''(b) The Secretary may utilize funds available for the defense dependents' education system, including funds for construction, in order to provide for the education of children enrolled in the defense dependents' education system under subsection (a).''.

SEC. 582. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES WITH SIGNIFICANT ENROLLMENT INCREASES IN MILITARY DEPENDENT STUDENTS DUE TO TROOP RELOCATIONS, CREATION OF NEW UNITS, AND REALIGNMENTS UNDER BRAC.

(a) AVAILABILITY OF ASSISTANCE.—To assist communities in making adjustments resulting from the creation of new units and other large-scale relocations of members of the Armed Forces between military installations, the Secretary of Defense may make payments to local educational agencies described in subsection (b) that, during the period between the end of the school year preceding the fiscal year for which the payments are authorized and the beginning of the school year immediately preceding that school year, had an overall increase in the number of military dependent students enrolled in schools of such local educational agencies equal to or greater than 250 military dependent students.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible for assistance under this section for a fiscal year only if the Secretary of Defense determines that—

(1) the local educational agency is eligible for educational agencies assistance for the same fiscal year; and

(2) the required overall increase in the number of military dependent students enrolled in schools of that local educational agency, as provided in subsection (a), occurred as a result of the relocation of military personnel due to—

(A) the global rebasing plan of the Department of Defense;

(B) the official creation or activation of one or more new military units; or

(C) the realignment of forces as a result of the base closure process.

(c) NOTIFICATION.—Not later than June 30, 2006, and June 30 of each of the next two fiscal years, the Secretary of Defense shall notify each local educational agency that is eligible for assistance under this section for such fiscal year of—

(1) the eligibility of the local educational agency for the assistance; and

(2) the amount of the assistance for which that local educational agency is eligible, as determined under subsection (d).

(d) AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—In making assistance available to local educational agencies under this section, the Secretary of Defense shall, in consultation with the Secretary of Education, make assistance available to such local educational agencies for a fiscal year on a pro rata basis based on the size of the overall increase in the number of military and Department of Defense civilian dependent students enrolled in schools of those local educational agencies for such fiscal year.

(2) LIMITATION.—No local educational agency may receive more than $1,000,000 in assistance under this section for any fiscal year.

(e) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse assistance made available under this section for a fiscal year not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (c) for that fiscal year.

(f) CONSULTATION.—The Secretary of Defense shall carry out this section in consultation with the Secretary of Education.

(g) REPORTS.—

(1) REPORTS REQUIRED.—Not later than May 1 of each of 2007, 2008, and 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the assistance provided under this section during the fiscal year preceding the date of such report.

(2) ELEMENT.—Each report on the assistance provided during a fiscal year under this section shall include an assessment and description of the current compliance of each local educational agency receiving such assistance with the requirements of the No Child Left Behind Act of 2001 (Public Law 107–110).

(h) FUNDING.—Of the amount authorized to be appropriated to the Department of Defense for fiscal years 2006, 2007, and 2008 for operation and maintenance for Defense-wide activities, $15,000,000 shall be available for each such fiscal year only for the purpose of providing assistance to local educational agencies under this section.

(i) TERMINATION.—The authority of the Secretary of Defense to provide financial assistance under this section shall expire on September 30, 2008.

(j) DEFINITIONS.—In this section:

(1) The term ''base closure process'' means the 2005 base closure and realignment process authorized by Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or any base closure and realignment process conducted after the date of the enactment of this Act under section 2687 of title 10, United States Code, or any other similar law enacted after that date.

(2) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(3) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(4) The term ''military dependent students'' refers to—

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

SEC. 583. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2006.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2006, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2006 of—

(1) that agency's eligibility for the assistance; and

(2) the amount of the assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term ''basic support payment'' means a payment authorized under section 8003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)).

SEC. 584. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

Subtitle H—Other Matters

SEC. 591. POLICY AND PROCEDURES ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.

(a) COMPREHENSIVE POLICY ON CASUALTY ASSISTANCE.—

(1) POLICY REQUIRED.—Not later than January 1, 2006, the Secretary of Defense shall develop and prescribe a comprehensive policy for the Department of Defense on the provision of casualty assistance to survivors and next of kin of members of the Armed Forces who die during military service (in this section referred to as ''military decedents'').

(2) CONSULTATION.—The Secretary shall develop the policy in consultation with the Secretaries of the military departments, the Secretary of Veterans Affairs, and the Secretary of Homeland Security with respect to the Coast Guard

(3) INCORPORATION OF PAST EXPERIENCE AND PRACTICE.—The policy shall be based on—

(A) the experience and best practices of the military departments;

(B) the recommendations of nongovernment organizations with demonstrated expertise in responding to the needs of survivors of military decedents; and

(C) such other matters as the Secretary of Defense considers appropriate.

(4) PROCEDURES.—The policy shall include procedures to be followed by the military departments in the provision of casualty assistance to survivors and next of kin of military decedents. The procedures shall be uniform across the military departments except to the extent necessary to reflect the traditional practices or customs of a particular military department.

(b) ELEMENTS OF POLICY.—The comprehensive policy developed under subsection (a) shall address the following matters:

(1) The initial notification of primary and secondary next of kin of the deaths of military decedents and any subsequent notifications of next of kin warranted by circumstances.

(2) The transportation and disposition of remains of military decedents, including notification of survivors of the performance of autopsies.

(3) The qualifications, assignment, training, duties, supervision, and accountability for the performance of casualty assistance responsibilities.

(4) The relief or transfer of casualty assistance officers, including notification to survivors and next of kin of the reassignment of such officers to other duties.

(5) Centralized, short-term and long-term case-management procedures for casualty assistance by each military department, including rapid access by survivors of military decedents and casualty assistance officers to expert case managers and counselors.

(6) The provision, at no cost to survivors of military decedents, of personalized, integrated information on the benefits and financial assistance available to such survivors from the Federal Government.

(7) The provision, at no cost to survivors of military decedents, of legal assistance by military attorneys on matters arising from the deaths of such decedents, including tax matters, on an expedited, prioritized basis.

(8) The provision of financial counseling to survivors of military decedents, particularly with respect to appropriate disposition of death gratuity and insurance proceeds received by surviving spouses, minor dependent children, and their representatives.

(9) The provision of information to survivors and next of kin of military decedents on mechanisms for registering complaints about, or requests for, additional assistance related to casualty assistance.

(10) Liaison with the Department of Veterans Affairs and the Social Security Administration in order to ensure prompt and accurate resolution of issues relating to benefits administered by those agencies for survivors of military decedents.

(11) Data collection regarding the incidence and quality of casualty assistance provided to survivors of military decedents, including surveys of such survivors and military and civilian members assigned casualty assistance duties.

(c) ADOPTION BY MILITARY DEPARTMENTS.—Not later than March 1, 2006, the Secretary of each military department shall prescribe regulations, or modify current regulations, on the policies and procedures of such military department on the provision of casualty assistance to survivors and next of kin of military decedents in order to conform such policies and procedures to the policy developed under subsection (a).

(d) REPORT ON IMPROVEMENT OF CASUALTY ASSISTANCE PROGRAMS.—Not later than May 1, 2006, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes—

(1) the assessment of the Secretary of the adequacy and sufficiency of the current casualty assistance programs of the military departments;

(2) a plan for a system for the uniform provision to survivors of military decedents of personalized, accurate, and integrated information on the benefits and financial assistance available to such survivors through the casualty assistance programs of the military departments under subsection (c); and

(3) such recommendations for other legislative or administrative action as the Secretary considers appropriate to enhance and improve such programs to achieve their intended purposes.

(e) GAO REPORT.—

(1) REPORT REQUIRED.—Not later than August 1, 2006, the Comptroller General of the United States shall submit to the congressional defense committees a report on the evaluation by the Comptroller General of the casualty assistance programs of the Department of Defense and of such other departments and agencies of the Federal Government as provide casualty assistance to survivors and next of kin of military decedents.

(2) ASSESSMENT.—The report shall include the assessment of the Comptroller General of the adequacy of the current policies and procedures of, and funding for, the casualty assistance programs covered by the report to achieve their intended purposes.

SEC. 592. MODIFICATION AND ENHANCEMENT OF MISSION AND AUTHORITIES OF THE NAVAL POSTGRADUATE SCHOOL.

(a) COMBAT-RELATED FOCUS FOR NAVAL POSTGRADUATE SCHOOL.—

(1) IN GENERAL.—Section 7041 of title 10, United States Code, is amended by striking ''for the advanced instruction'' and all that follows and inserting ''for the provision of

advanced instruction, and professional and technical education, to commissioned officers of the naval service to enhance combat effectiveness and the national security.''.

(2) CONFORMING AMENDMENT.—Section 7042(b)(1) of such title is amended by striking ''and technical education'' and inserting '', and technical and professional education,''.

(b) EXPANDED ELIGIBILITY OF ENLISTED PERSONNEL FOR INSTRUCTION.—Section 7045 of such title is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (D);

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) The Secretary may permit an eligible member of the armed forces to receive instruction from the Postgraduate School in certificate programs and courses required for the performance of the member's duties.''; and

(C) in subparagraph (D), as so redesignated, by striking ''(A) and (B)'' and inserting ''(A), (B), and (C)''; and

(2) in subsection (b)(2), by striking ''(a)(2)(C)'' and inserting ''(a)(2)(D)''.

SEC. 593. EXPANSION AND ENHANCEMENT OF AUTHORITY TO PRESENT RECOGNITION ITEMS FOR RECRUITMENT AND RETENTION PURPOSES.

(a) IN GENERAL.—(1) Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2261. Presentation of recognition items for recruitment and retention purposes

''(a) EXPENDITURES FOR RECOGNITION ITEMS.—Under regulations prescribed by the Secretary of Defense, appropriated funds may be expended—

''(1) to procure recognition items of nominal or modest value for recruitment or retention purposes; and

''(2) to present such items—

''(A) to members of the armed forces, including members of the reserve components of the armed forces; and

''(B) to members of the families of members of the armed forces, and to other individuals recognized as providing support that substantially facilitates service in the armed forces.

''(b) PROVISION OF MEALS AND REFRESHMENTS.—For purposes of section 520c of this title and any regulation prescribed to implement that section, functions conducted for the purpose of presenting recognition items described in subsection (a) shall be treated as recruiting functions, and recipients of such items shall be treated as persons who are the objects of recruiting efforts.

''(c) DEFINITION.—The term 'recognition items of nominal or modest value' means commemorative coins, medals, trophies, badges, flags, posters, paintings, or other similar items that are valued at less than $50 per item and are designed to recognize or commemorate service in the armed forces.

''(d) TERMINATION OF AUTHORITY.—The authority under this section shall expire December 31, 2007.''.

(2) The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

''2261. Presentation of recognition items for recruitment and retention purposes.''.

(b) REPEAL OF SUPERSEDED AUTHORITIES.—

(1) ARMY RESERVE.—(A) Section 18506 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 1805 of such title is amended by striking the item relating to section 18506.

(2) NATIONAL GUARD.—(A) Section 717 of title 32, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 717.

SEC. 594. REQUIREMENT FOR REGULATIONS ON POLICIES AND PROCEDURES ON PERSONAL COMMERCIAL SOLICITATIONS ON DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) REQUIREMENT.—Not later than January 1, 2006, the Secretary of Defense shall prescribe regulations, or modify existing regulations, on the policies and procedures relating to personal commercial solicitations, including the sale of life insurance and securities, on Department of Defense installations.

(b) REPEAL OF SUPERSEDED LIMITATIONS.—The following provisions of law are repealed:

(1) Section 586 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1493).

(2) Section 8133 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1002).

SEC. 595. FEDERAL ASSISTANCE FOR STATE PROGRAMS UNDER THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) IN GENERAL.—Section 509(d) of title 32, United States Code, is amended by striking paragraphs (1), (2), (3), and (4) and inserting the following new paragraphs:

''(1) for fiscal year 2006, 65 percent of the costs of operating the State program during that fiscal year;

''(2) for fiscal year 2007, 70 percent of the costs of operating the State program during that fiscal year; and

''(3) for fiscal year 2008 and each subsequent fiscal year, 75 percent of the costs of operating the State program during such fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SEC. 596. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY AWARD OF DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.

(a) JOINT FORCES STAFF COLLEGE PROGRAM.—Section 2163 of title 10, United States Code, is amended to read as follows:

''§ 2163. National Defense University: master of science degrees

''(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—The President of the National Defense University, upon the recommendation of the faculty of the respective college or other school within the University, may confer the master of science degrees specified in subsection (b).

''(b) AUTHORIZED DEGREES.—The following degrees may be awarded under subsection (a):

''(1) MASTER OF SCIENCE IN NATIONAL SECURITY STRATEGY.—The degree of master of science in national security strategy, to graduates of the University who fulfill the requirements of the program of the National War College.

''(2) MASTER OF SCIENCE IN NATIONAL RESOURCE STRATEGY.—The degree of master of science in national resource strategy, to graduates of the University who fulfill the requirements of the program of the Industrial College of the Armed Forces.

''(3) MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.—The degree of master of science in joint campaign planning and strategy, to graduates of the University who fulfill the requirements of the program of the Joint Advanced Warfighting School at the Joint Forces Staff College.

''(c) REGULATIONS.—The authority provided by this section shall be exercised under regulations prescribed by the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The item relating to section 2163 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

''2163. National Defense University: master of science degrees.''.

(c) EFFECTIVE DATE.—Paragraph (3) of section 2163(b) of title 10, United States Code, as amended by subsection (a), shall take effect for degrees awarded after May 2005.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. ELIGIBILITY FOR ADDITIONAL PAY OF PERMANENT MILITARY PROFESSORS AT THE UNITED STATES NAVAL ACADEMY WITH OVER 36 YEARS OF SERVICE.

Section 203(b) of title 37, United States Code, is amended by inserting '', the United States Naval Academy,'' after ''the United States Military Academy''.

SEC. 602. ENHANCED AUTHORITY FOR AGENCY CONTRIBUTIONS FOR MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE THRIFT SAVINGS PLAN.

(a) AUTHORITY TO MAKE CONTRIBUTIONS FOR CERTAIN FIRST-TIME ENLISTEES.—Section 211(d) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ''(i)'' after ''(A)'';

(B) by redesignating subparagraph (B) as clause (ii) of subparagraph (A);

(C) in clause (ii) of subparagraph (A), as so redesignated, by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following new subparagraph (B):

''(B) in the case of a member first enlisting in the armed forces, the period of the member's enlistment is not less than two years.'';

(2) in paragraph (2), by striking ''paragraph (1)'' the first place it appears and inserting ''paragraph (1)(A)''; and

(3) by adding at the end the following new paragraph:

''(3) In the case of a member described by paragraph (1)(B), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the enlistment of the member described in that paragraph for which the member makes a contribution to the Fund under section 8440e of title 5 (other than under subsection (d)(2) thereof). The second sentence of paragraph (2) applies to the Secretary's obligation to make contributions under this paragraph to the same extent as such paragraph applies to the Secretary's obligation to make contributions under such paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

SEC. 603. PERMANENT AUTHORITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.

Section 402a of title 37, United States Code, is amended by striking subsection (i).

SEC. 604. MODIFICATION OF PAY CONSIDERED AS SAVED PAY UPON APPOINTMENT OF AN ENLISTED MEMBER AS AN OFFICER.

(a) IN GENERAL.—Section 907(d) of title 37, United States Code, is amended to read as follows:

''(d) In determining the amount of the pay and allowances of a grade formerly held by an officer, the following special and incentive pays may be considered only so long as the officer continues to perform the duty creating the entitlement to or eligibility for such pay and would otherwise be eligible to receive such pay in the officer's former grade:

''(1) Incentive pay for hazardous duty under section 301 of this title.

''(2) Submarine duty incentive pay under section 301c of this title.

''(3) Diving duty special pay under section 304 of this title.

''(4) Hardship duty special pay under section 305 of this title.

''(5) Career sea pay under section 305a of this title.

''(6) Special pay for service as a member of a Weapons of Mass Destruction Civil Support Team under section 305b of this title.

''(7) Assignment incentive pay under section 307a of this title.

''(8) Hostile fire pay or imminent danger pay under section 310 of this title.

''(9) Special pay for extension of overseas tour of duty under section 314 of this title.

''(10) Foreign language proficiency pay under section 316 of this title.

''(11) Critical skill retention bonus under section 323 of this title, if payable in periodic installments.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to acceptances of enlisted members of appointments as officers on or after that date.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(c) READY RESERVE NON-PRIOR SERVICE ENLISTMENT BONUS.—Section 308g(h) of such title is amended by striking ''an enlistment after September 30, 1992.'' and inserting ''an enlistment—

''(1) during the period beginning on October 1, 1992, and ending on September 30, 2005; or

''(2) after September 30, 2006.''.

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''before January 1, 2006'' and inserting ''on or before December 31, 2006''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and ending on September 30, 2005'' and inserting ''October 30, 2000, and ending on December 31, 2006''.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(f) of such title is amended by striking ''December 31, 2006'' and inserting ''December 31, 2007''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

SEC. 615. PAYMENT AND REPAYMENT OF ASSIGNMENT INCENTIVE PAY.

(a) FLEXIBLE PAYMENT.—Section 307a of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''monthly''; and

(B) by adding at the end the following new sentence: ''Incentive pay payable under this section may be paid on a monthly basis, in a lump sum, or in installments.'';

(2) in subsection (b)—

(A) by inserting ''(1)'' before ''The Secretary concerned'';

(B) in paragraph (1), as so designated, by striking ''incentive pay'' in the first sentence and inserting ''the payment of incentive pay on a monthly basis''; and

(C) by adding at the end the following new paragraph:

''(2) The Secretary concerned shall require a member performing service in an assignment designated under subsection (a) to enter into a written agreement with the Secretary in order to qualify for the payment of incentive pay on a lump sum or installment basis under this section. The written agreement shall specify the period for which the incentive pay will be paid to the member and, subject to subsection (c), the amount of the lump sum, or each installment, of the incentive pay.''; and

(3) by striking subsection (c) and inserting the following new subsection (c):

''(c) MAXIMUM RATE OR AMOUNT.—(1) The maximum monthly rate of incentive pay payable to a member on a monthly basis under this section is $1,500.

''(2) The amount of the lump sum payment of incentive pay payable to a member on a lump sum basis under this section may not exceed an amount equal to the product of—

''(A) the maximum monthly rate authorized under paragraph (1) at the time of the written agreement of the member under subsection (b)(2); and

''(B) the number of months in the period for which incentive pay will be paid pursuant to the agreement.

''(3) The amount of each installment payment of incentive pay payable to a member on an installment basis under this section shall be the amount equal to—

''(A) the product of (i) a monthly rate specified in the written agreement of the member under subsection (b)(2) (which monthly rate may not exceed the maximum monthly rate authorized under paragraph (1) at the time of the written agreement), and (ii) the number of months in the period for which incentive pay will be paid; divided by

''(B) the number of installments over such period.

''(4) If a member extends an assignment specified in an agreement with the Secretary under subsection (b), incentive pay for the period of the extension may be paid under this section on a monthly basis, in a lump sum, or in installments in accordance with this section.''.

(b) REPAYMENT.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c), as amended by subsection (a)(3) of this section, the following new subsection (d):

''(d) REPAYMENT OF INCENTIVE PAY.—(1)(A) A member who, pursuant to an agreement under subsection (b)(2), receives a lump sum or installment payment of incentive pay under this section and who fails to complete the total period of service or other conditions specified in the agreement voluntarily or because of misconduct, shall refund to the United States an amount equal to the percentage of incentive pay paid which is equal to the unexpired portion of the service divided by the total period of service.

''(B) The Secretary concerned may waive repayment of an amount of incentive pay under subparagraph (A), whether in whole or in part, if the Secretary determines that conditions and circumstances warrant.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of the agreement does not discharge the member signing the agreement from a debt arising under paragraph (1).''.

SEC. 616. INCREASE IN AMOUNT OF SELECTIVE REENLISTMENT BONUS FOR CERTAIN SENIOR SUPERVISORY NUCLEAR QUALIFIED ENLISTED PERSONNEL.

(a) IN GENERAL.—Section 308 of title 37, United States Code, is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b)(1) An enlisted member of the naval service who—

''(A) has completed at least ten, but not more than fourteen, years of active duty;

''(B) is currently qualified for duty in connection with the supervision, operation, and

maintenance of naval nuclear propulsion plants;

''(C) is qualified in a military skill designated as critical by the Secretary of Defense; and

''(D) reenlists or voluntarily extends the member's enlistment for a period of at least three years in the regular component of the naval service,

may be paid a bonus as provided in paragraph (2).

''(2) The bonus to be paid a member under paragraph (1) may not exceed the lesser of the following amounts:

''(A) The amount determined with respect to the member in accordance with subsection (a)(2)(A).

''(B) $75,000.

''(3) Subsection (a)(3) applies to the computation under paragraph (2)(A) of any bonus payable under this subsection.

''(4) Subsection (a)(4) applies to the payment of any bonus payable under this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005, and shall apply with respect to reenlistments or voluntary extensions of enlistments that occur on or after that date.

SEC. 617. CONSOLIDATION AND MODIFICATION OF BONUSES FOR AFFILIATION OR ENLISTMENT IN THE SELECTED RESERVE.

(a) CONSOLIDATION AND MODIFICATION OF BONUSES.—Section 308c of title 37, United States Code, is amended to read as follows:

''§ 308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve

''(a) AFFILIATION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may pay an affiliation bonus to an enlisted member of an armed force who—

''(1) has completed fewer than 20 years of military service; and

''(2) executes a written agreement to serve in the Selected Reserve of the Ready Reserve of an armed force for a period of not less than three years in a skill, unit, or pay grade designated under subsection (b) after being discharged or released from active duty under honorable conditions.

''(b) DESIGNATION OF SKILLS, UNITS, AND PAY GRADES.—The Secretary concerned shall designate the skills, units, and pay grades for which an affiliation bonus may be paid under subsection (a). Any skill, unit, or pay grade so designated shall be a skill, unit, or pay grade for which there is a critical need for personnel in the Selected Reserve of the Ready Reserve of an armed force, as determined by the Secretary concerned.

''(c) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may pay an accession bonus to a person who—

''(1) has not previously served in the armed forces; and

''(2) executes a written agreement to serve as an enlisted member in the Selected Reserve of the Ready Reserve of an armed force for a period of not less than three years upon acceptance of the agreement by the Secretary concerned.

''(d) LIMITATION ON AMOUNT OF BONUS.—The amount of a bonus under subsection (a) or (c) may not exceed $10,000.

''(e) PAYMENT METHOD.—Upon acceptance of a written agreement by the Secretary concerned, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus shall be paid by the Secretary concerned in a lump sum or in installments.

''(f) CONTINUED ENTITLEMENT TO BONUS PAYMENTS.—A member entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

''(g) REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.—(1) An individual who, after being paid all or part of a bonus under an agreement under subsection (a) or (c), does not commence to serve in the Selected Reserve or does not satisfactorily participate in the Selected Reserve for the total period of service specified in such agreement shall repay to the United States the amount of such bonus so paid, except as otherwise prescribed under paragraph (2).

''(2) The Secretary concerned shall prescribe in regulations whether repayment of an amount otherwise required under paragraph (1) shall be made in whole or in part, the method for computing the amount of such repayment, and any conditions under which an exception to required repayment would apply.

''(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (a) or (c) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).

''(h) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any agreement entered into under subsection (a) or (c) after December 31, 2006.''.

(b) REPEAL OF SUPERSEDED AFFILIATION BONUS AUTHORITY.—Section 308e of such title is repealed.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 5 of such title is amended—

(1) by striking the item relating to section 308c and inserting the following new item:

''308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve.'';

and

(B) by striking the item relating to section 308e.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005, and shall apply with respect to agreements entered into under section 308c of title 37, United States Code (as amended by subsection (a)), on or after that date.

SEC. 618. EXPANSION AND ENHANCEMENT OF SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.

(a) ELIGIBILITY FOR PAY.—Subsection (a) of section 308d of title 37, United States Code, is amended by striking ''an enlisted member'' and inserting ''a member''.

(b) AMOUNT OF PAY.—Such subsection is further amended by striking ''$10'' and inserting ''$50''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 308d. Special pay: members of the Selected Reserve assigned to certain high priority units''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 308d and inserting the following new item:

''308d. Special pay: members of the Selected Reserve assigned to certain high priority units.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005, and shall apply to inactive-duty training performed on or after that date.

SEC. 619. RETENTION INCENTIVE BONUS FOR MEMBERS OF THE SELECTED RESERVE QUALIFIED IN A CRITICAL MILITARY SKILL OR SPECIALTY.

(a) BONUS AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 308j the following new section:

''§ 308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill or specialty

''(a) RETENTION BONUS AUTHORIZED.—An eligible officer or enlisted member of the armed forces may be paid a retention bonus as provided in this section if—

''(1) 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;

''(2) 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

''(3) 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.

''(b) ELIGIBLE MEMBERS.—Subject to subsection (d), an officer or enlisted member is eligible for a 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.—The Secretary of Defense shall designate the military skills and specialties that shall be treated as critical military skills and specialties for purposes of this section.

''(d) CERTAIN MEMBERS INELIGIBLE.—A bonus may not be paid under subsection (a) to a member of the armed forces who—

''(1) has completed more than 25 years of qualifying service under section 12732 of title 10; or

''(2) will complete the member's twenty-fifth year of qualifying service under section 12732 of title 10 before the end of the period of service for which the bonus is being offered.

''(e) MAXIMUM BONUS AMOUNT.—A member may enter into an agreement under this section, or reenlist or voluntarily extend the member's enlistment, more than once to receive a bonus under this section. However, a member may not receive a total of more than $100,000 in payments under this section.

''(f) PAYMENT METHODS.—(1) A bonus under subsection (a) may be paid in a single lump sum or in installments.

''(2) In the case of a member who agrees to train or retrain in a military skill or specialty designated as critical under subsection (b)(2), no payment may be made until the member successfully completes the training or retraining and is qualified in such skill or specialty.

''(g) RELATIONSHIP TO OTHER INCENTIVES.—A bonus paid to a member under subsection (a) is in addition to any other pay and allowances to which the member is entitled under any other provision of law.

''(h) REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.—(1) An individual who, after receiving all or part of the bonus under an agreement, or a reenlistment or voluntary extension of enlistment, referred to in subsection (a), does not commence to serve in the Selected Reserve, or does not satisfactorily participate in the Selected Reserve for the total period of service

specified in the agreement, or under such reenlistment or voluntary extension of enlistment, as applicable, shall repay to the United States such bonus, except under conditions established by the Secretary concerned.

''(2) The Secretary concerned shall establish, in accordance with the regulations prescribed under subsection (i)—

''(A) whether repayment of a bonus under paragraph (1) is required in whole or in part;

''(B) the method for computing the amount of such repayment; and

''(C) the conditions under which an exception to repayment otherwise required under that paragraph would apply.

''(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under subsection (a), or a reenlistment or voluntary extension of enlistment under subsection (a), does not discharge the individual signing the agreement, reenlisting, or voluntarily extending enlistment, as applicable, from a debt arising under paragraph (1).

''(i) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

''(j) TERMINATION OF AUTHORITY.—No bonus may be paid under this section with respect to any agreement, reenlistment, or voluntary extension of enlistment in the armed forces entered into after December 31, 2006.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 308j the following new item:

''308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill or specialty.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

SEC. 620. TERMINATION OF LIMITATION ON DURATION OF PAYMENT OF IMMINENT DANGER SPECIAL PAY DURING HOSPITALIZATION.

(a) TERMINATION OF LIMITATION.—Section 310(b) of title 37, United States Code, is amended by striking ''not more than three additional months'' and inserting ''any month, or any portion of a month,''.

(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. 621. AUTHORITY FOR RETROACTIVE PAYMENT OF IMMINENT DANGER SPECIAL PAY.

Section 310 of title 37, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection:

''(b) DATE OF COMMENCEMENT OF PAYMENT OF IMMINENT DANGER PAY.—Payment of special pay under this section to a member covered by subsection (a)(2)(D) may be made from any date, as determined by the Secretary of Defense, on or after which such member was assigned to duty in a foreign area determined by the Secretary to be covered by such subsection.''.

SEC. 622. AUTHORITY TO PAY FOREIGN LANGUAGE PROFICIENCY PAY TO MEMBERS ON ACTIVE DUTY AS A BONUS.

(a) AUTHORITY TO PAY.—Section 316 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''OR BONUS'' after ''SPECIAL PAY''; and

(B) by inserting ''or a bonus'' after ''monthly special pay'';

(2) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) The amount of the bonus paid under subsection (a) may not exceed $12,000 for the one-year period covered by the certification of the member. The Secretary concerned may pay the bonus in a single lump sum at the beginning of the certification period or in installments during the certification period.''; and

(3) in subsection (f)(1)(C), by inserting ''or a bonus'' after ''special pay''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

SEC. 623. INCENTIVE BONUS FOR TRANSFER BETWEEN THE ARMED FORCES.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 327. Incentive bonus: transfer between armed forces

''(a) INCENTIVE BONUS AUTHORIZED.—A bonus under this section may be paid to an eligible member of a regular component or reserve component of an armed force who executes a written agreement—

''(1) to transfer from such regular component or reserve component to a regular component or reserve component of another armed force; and

''(2) to serve pursuant to such agreement for a period of not less than three years in the component to which transferred.

''(b) ELIGIBLE MEMBERS.—A member is eligible to enter into an agreement under subsection (a) if, as of the date of the agreement, the member—

''(1) has not failed to satisfactorily complete any term of enlistment in the armed forces;

''(2) is eligible for reenlistment in the armed forces or, in the case of an officer, is eligible to continue in service in a regular or reserve component of the armed forces; and

''(3) has fulfilled such requirements for transfer to the component of the armed force to which the member will transfer as the Secretary having jurisdiction over such armed force shall establish.

''(c) LIMITATION.—A member may enter into an agreement under subsection (a) to transfer to a regular component or reserve component of another armed force only if the Secretary having jurisdiction over such armed force determines that there is shortage of trained and qualified personnel in such component.

''(d) AMOUNT AND PAYMENT OF BONUS.—(1) A bonus under this section may not exceed $2,500.

''(2) A bonus under this section shall be paid by the Secretary having jurisdiction of the armed force to which the member to be paid the bonus is transferring.

''(3) A bonus under this section shall, at the election of the Secretary paying the bonus—

''(A) be disbursed to the member in one lump sum when the transfer for which the bonus is paid is approved by the chief personnel officer of the armed force to which the member is transferring; or

''(B) be paid to the member in annual installments in such amounts as may be determined by the Secretary paying the bonus.

''(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

''(f) REPAYMENT OF BONUS.—(1) A member who is paid a bonus under an agreement under this section and who, voluntarily or because of misconduct, fails to serve for the period covered by such agreement shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid such member as the period which such member failed to serve bears to the total period for which the bonus was paid.

''(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under paragraph (1).

''(g) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department under this subsection shall be subject to the approval of the Secretary of Defense.

''(h) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2006.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

''327. Incentive bonus: transfer between armed forces.''.

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRANSPORTATION OF FAMILY MEMBERS IN CONNECTION WITH THE REPATRIATION OF SERVICEMEMBERS OR CIVILIAN EMPLOYEES HELD CAPTIVE.

(a) MILITARY CAPTIVES.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411i the following new section:

''§ 411j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive

''(a) ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for not more than 3 family members of a member described in subsection (b).

''(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the Secretary concerned may provide travel and transportation described in subsection (d) to an attendant to accompany a family member described in that paragraph if the Secretary determines that—

''(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the Secretary; and

''(B) no other family member who is eligible for travel and transportation under paragraph (1) is able to serve as an attendant for the family member.

''(3) If no family member of a member described in subsection (b) is able to travel to the repatriation site of the member, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the member.

''(b) COVERED MEMBERS.—A member described in this subsection is a member of the uniformed services who—

''(1) is serving on active duty;

''(2) was held captive, as determined by the Secretary concerned; and

''(3) is repatriated to a site inside or outside the United States.

''(c) ELIGIBLE FAMILY MEMBERS.—In this section, the term 'family member' has the

meaning given the term in section 411h(b) of this title.

''(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member (or home of the attendant or person provided transportation under paragraph (2) or (3) of subsection (a), as the case may be) and the location of the repatriation site at which the member is located.

''(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 404(d) of this title.

''(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 411h(d)(1) of this title.

''(4) An allowance under this subsection may be paid in advance.

''(5) Reimbursement payable under this subsection may not exceed the cost of government-procured round-trip air travel.''.

(2) The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411i the following new item:

''411j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.''.

(b) CIVILIAN CAPTIVES.—(1) Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 5760. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive

''(a) ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.—(1) Under uniform regulations prescribed by the heads of agencies, travel and transportation described in subsection (d) may be provided for not more than 3 family members of an employee described in subsection (b).

''(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the head of an agency may provide travel and transportation described in subsection (d) to an attendant to accompany a family member described in subsection (b) if the head of an agency determines—

''(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the head of the agency; and

''(B) no other family member who is eligible for travel and transportation under subsection (a) is able to serve as an attendant for the family member.

''(3) If no family member of an employee described in subsection (b) is able to travel to the repatriation site of the employee, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the employee.

''(b) COVERED EMPLOYEES.—An employee described in this subsection is an employee (as defined in section 2105 of this title) who—

''(1) was held captive, as determined by the head of an agency concerned; and

''(2) is repatriated to a site inside or outside the United States.

''(c) ELIGIBLE FAMILY MEMBERS.—In this section, the term 'family member' has the meaning given the term in section 411h(b) of title 37.

''(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member (or home of the attendant or person provided transportation under paragraph (2) or (3) of subsection (a), as the case may be) and the location of the repatriation site at which the employee is located.

''(2) In addition to the transportation authorized by subsection (a), the head of an agency may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 404(d) of title 37.

''(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 411h(d)(1) of title 37.

''(4) An allowance under this subsection may be paid in advance.

''(5) Reimbursement payable under this subsection may not exceed the cost of government-procured round-trip air travel.''.

(2) The table of sections at the beginning of chapter 57 of such title is amended by adding at the end the following new item:

''5760. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive.''.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. ENHANCEMENT OF DEATH GRATUITY AND ENHANCEMENT OF LIFE INSURANCE BENEFITS FOR CERTAIN COMBAT RELATED DEATHS.

(a) INCREASED AMOUNT OF DEATH GRATUITY.—

(1) INCREASED AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking ''$12,000'' and inserting ''$100,000''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) COORDINATION WITH OTHER ENHANCEMENTS.—If the date of the enactment of this Act occurs before October 1, 2005—

(A) effective as of such date of enactment, the amendments made to section 1478 of title 10, United States Code, by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13) are repealed; and

(B) effective immediately before the execution of the amendment made by paragraph (1), the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of the Act referred to in subparagraph (A), shall be revived.

(b) SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENTS.—

(1) INCREASED MAXIMUM AMOUNT OF SGLI.—Section 1967 of title 38, United States Code, is amended—

(A) in subsection (a)(3)(A), by striking clause (i) and inserting the following new clause:

''(i) In the case of a member—

''(I) $400,000 or such lesser amount as the member may elect as provided in subparagraph (B);

''(II) in the case of a member covered by subsection (e), the amount provided for or elected by the member under subclause (I) plus the additional amount of insurance provided for the member by subsection (e); or

''(III) in the case of a member covered by subsection (e) who has made an election under paragraph (2)(A) not to be insured under this subchapter, the amount of insurance provided for the member by subsection (e).''; and

(B) in subsection (d), by striking ''$250,000'' and inserting ''$400,000''.

(2) INCREMENTS OF DECREASED AMOUNTS ELECTABLE BY MEMBERS.—Subsection (a)(3)(B) of such section is amended by striking ''member or spouse'' in the last sentence and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse''.

(3) ADDITIONAL AMOUNT FOR MEMBERS SERVING IN CERTAIN AREAS OR OPERATIONS.—

(A) INCREASED AMOUNT.—Section 1967 of such title is further amended—

(i) by redesignating subsection (e) as subsection (f); and

(ii) by inserting after subsection (d) the following new subsection (e):

''(e)(1) A member covered by this subsection is any member as follows:

''(A) Any member who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in an operation or area that the Secretary of Defense designates, in writing, as a combat operation or a zone of combat, respectively, for purposes of this subsection.

''(B) Any member who formerly served in an operation or area so designated and whose death is determined (under regulations prescribed by the Secretary of Defense) to be the direct result of injury or illness incurred or aggravated while so serving.

''(2) The additional amount of insurance under this subchapter that is provided for a member by this subsection is $150,000, except that in a case in which the amount provided for or elected by the member under subsection (a)(3)(A)(i)(I) exceeds $250,000, the additional amount of insurance under this subchapter that is provided for the member by this subsection shall be reduced to such amount as is necessary to comply with the limitation in paragraph (3).

''(3) The total amount of insurance payable for a member under this subchapter may not exceed $400,000.

''(4) While a member is serving in an operation or area designated as described in paragraph (1), the cost of insurance of the member under this subchapter that is attributable to $150,000 of insurance coverage shall, at the election of the Secretary concerned—

''(A) be contributed as provided in section 1969(b)(2) of this title, rather through deduction or withholding from the member's pay; or

''(B) if deducted or withheld from the member's pay, be reimbursed to the member through such mechanism as the Secretary concerned determines appropriate.''.

(B) FUNDING.—Section 1969(b) of such title is amended—

(i) by inserting ''(1)'' after ''(b)''; and

(ii) by adding at the end the following new paragraph:

''(2) For each month for which a member insured under this subchapter is serving in an operation or area designated as described by paragraph (1)(A) of section 1967(e) of this title, there may, at the election of the Secretary concerned under paragraph (4)(A) of such section, be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary and certified to the Secretary concerned to be the cost of Servicemembers' Group Life Insurance which is traceable to the cost of providing insurance for the member under section 1967 of this title in the amount of $150,000.''.

(4) CONFORMING AMENDMENT.—Section 1967(a)(2)(A) of such title is amended by inserting before the period at the end the following: '', except with respect to insurance provided under paragraph (3)(A)(i)(III)''.

(5) COORDINATION WITH VGLI.—Section 1977(a) of such title is amended—

(A) by striking ''$250,000'' each place it appears and inserting ''$400,000''; and

(B) by adding at the end of paragraph (1) the following new sentence: ''Any additional amount of insurance provided a member under section 1967(e) of this title may not be treated as an amount for which Veterans' Group Life Insurance shall be issued under this section.''.

(6) REQUIREMENTS REGARDING ELECTIONS OF MEMBERS TO REDUCE OR DECLINE INSURANCE.—Section 1967(a) of such title is further amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

''(C) Pursuant to regulations prescribed by the Secretary of Defense, notice of an election of a member with a spouse not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under paragraph (3)(A)(i)(I), shall be provided to the spouse of the member.''; and

(B) in paragraph (3), by adding at the end the following new subparagraph:

''(D) Whenever a member who is not married elects not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i)(I), the Secretary concerned shall provide a notice of such election to any person designated by the member as a beneficiary or designated as the member's next-of-kin for the purpose of emergency notification, as determined under regulations prescribed by the Secretary of Defense.''.

(7) REQUIREMENT REGARDING REDESIGNATION OF BENEFICIARIES.—Section 1970 of such title is amended by adding at the end the following new subsection:

''(j) A member with a spouse may not modify the beneficiary or beneficiaries designated by the member under subsection (a) without providing written notice of such modification to the spouse.''.

(8) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect on October 1, 2005, immediately after the termination of the amendments made to sections 1967, 1969, 1970, and 1977 of title 38, United States Code, by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

SEC. 642. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.

(a) REDESIGNATION OF CHIEF OPERATING OFFICER AS CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking ''Chief Operating Officer'' each place it appears and inserting ''Chief Executive Officer''; and

(B) in subsection (e)(1), by striking ''Chief Operating Officer's'' and inserting ''Chief Executive Officer's''.

(2) CONFORMING AMENDMENTS.—Such Act is further amended by striking ''Chief Operating Officer'' each place it appears in a provision as follows and inserting ''Chief Executive Officer'':

(A) In section 1511 (24 U.S.C. 411).
(B) In section 1512 (24 U.S.C. 412).
(C) In section 1513(a) (24 U.S.C. 413(a)).
(D) In section 1514(c)(1) (24 U.S.C. 414(c)(1)).
(E) In section 1516(b) (24 U.S.C. 416(b)).
(F) In section 1517 (24 U.S.C. 417).
(G) In section 1518(c) (24 U.S.C. 418(c)).
(H) In section 1519(c) (24 U.S.C. 419(c)).
(I) In section 1521(a) (24 U.S.C. 421(a)).
(J) In section 1522 (24 U.S.C. 422).
(K) In section 1523(b) (24 U.S.C. 423(b)).
(L) In section 1531 (24 U.S.C. 431).

(3) CLERICAL AMENDMENTS.—(A) The heading of section 1515 of such Act is amended to read as follows:

''SEC. 1515. CHIEF EXECUTIVE OFFICER.''.

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

''Sec. 1515. Chief Executive Officer.''.

(4) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) PHYSICIANS AND DENTISTS FOR EACH RETIREMENT HOME FACILITY.—Section 1513 of such Act (24 U.S.C. 413) is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b), (c), and (d)''; and

(2) by adding at the end the following new subsection:

''(c) PHYSICIANS AND DENTISTS FOR EACH RETIREMENT HOME FACILITY.—(1) In providing for the health care needs of residents under subsection (c), the Retirement Home shall have in attendance at each facility of the Retirement Home, during the daily business hours of such facility, a physician and a dentist, each of whom shall have skills and experience suited to residents of such facility.

''(2) In providing for the health care needs of residents, the Retirement shall also have available to residents of each facility of the Retirement Home, on an on-call basis during hours other than the daily business hours of such facility, a physician and a dentist each of whom have skills and experience suited to residents of such facility.

''(3) In this subsection, the term 'daily business hours' means the hours between 9 o'clock ante meridian and 5 o'clock post meridian, local time, on each of Monday through Friday.''.

(c) TRANSPORTATION TO MEDICAL CARE OUTSIDE RETIREMENT HOME FACILITIES.—Section 1513 of such Act is further amended—

(1) in the third sentence of subsection (b), by inserting '', except as provided in subsection (d),'' after ''shall not''; and

(2) by adding at the end the following new subsection:

''(d) TRANSPORTATION TO MEDICAL CARE OUTSIDE RETIREMENT HOME FACILITIES.—The Retirement Home shall provide to any resident of a facility of the Retirement Home, upon request of such resident, transportation to any medical facility located not more than 30 miles from such facility for the provision of medical care to such resident. The Retirement Home may not collect a fee from a resident for transportation provided under this subsection.''.

(d) MILITARY DIRECTOR FOR EACH RETIREMENT HOME.—Section 1517(b)(1) of such Act (24 U.S.C. 417(b)(1)) is amended by striking ''a civilian with experience as a continuing care retirement community professional or''.

Subtitle E—Other Matters

SEC. 651. PAYMENT OF EXPENSES OF MEMBERS OF THE ARMED FORCES TO OBTAIN PROFESSIONAL CREDENTIALS.

(a) PAYMENT AUTHORIZED.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2007 the following new section:

''§ 2007a. Payment of expenses of members of the armed forces to obtain professional credentials

''(a) PAYMENT AUTHORIZED.—Except as provided in subsection (b), the Secretary of Defense may pay for—

''(1) expenses of members of the armed forces to obtain professional credentials, including expenses of professional accreditation, State-imposed and professional licenses, and professional certification; and

''(2) examinations to obtain such credentials.

''(b) EXCEPTION.—The authority in subsection (a) may not be exercised on behalf of any member of the armed forces for expenses to obtain the basic qualifications for membership in a profession or officer community.

''(c) FUNDS AVAILABLE.—Funds appropriated or otherwise made available to the Secretary of Defense may be used to pay expenses under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2007a. Payment of expenses of members of the armed forces to obtain professional credentials.''.

SEC. 652. PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT SAVINGS PLAN FOR INITIAL ENLISTEES IN THE ARMED FORCES.

(a) PILOT PROGRAM REQUIRED.—During fiscal year 2006, the Secretary of the Army shall carry out within the Army a pilot program in order to assess the extent to which contributions by the military departments to the Thrift Savings Fund on behalf of members of the Armed Forces described in subsection (b) would—

(1) assist the Armed Forces in recruiting efforts; and

(2) assist such members in establishing habits of financial responsibility during their initial enlistments in the Armed Forces.

(b) COVERED MEMBERS.—A member of the Armed Forces described in this subsection is a member of the Armed Forces who is serving in the Armed Forces under an initial enlistment for a period of not less than two years.

(c) CONTRIBUTIONS TO THRIFT SAVINGS FUND.—

(1) IN GENERAL.—The Secretary of the Army may make contributions to the Thrift Savings Fund on behalf of any participant in the pilot program under subsection (a) for any pay period during the period of the pilot program.

(2) LIMITATIONS.—The amount of any contributions made with respect to a member under paragraph (1) shall be subject to the provisions of section 8432(c) of title 5, United States Code.

(d) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program under subsection (a).

(2) ELEMENTS.—The report shall include the following:

(A) A description of the pilot program, including the number of members of the Army who participated in the pilot program and the contributions made by the Army to the Thrift Savings Fund on behalf of such members during the period of the pilot program.

(B) An assessment, based on the pilot program and taking into account the views of officers and senior enlisted personnel of the Army, and of field recruiters, of the extent to which contributions by the military departments to the Thrift Savings Fund on behalf of members of the Armed Forces similar to the participants in the pilot program—

(i) would enhance the recruiting efforts of the Armed Forces; and

(ii) would assist such members in establishing habits of financial responsibility during their initial enlistments in the Armed Forces.

SEC. 653. MODIFICATION OF REQUIREMENT FOR CERTAIN INTERMEDIARIES UNDER CERTAIN AUTHORITIES RELATING TO ADOPTIONS.

(a) REIMBURSEMENT FOR ADOPTION EXPENSES.—Section 1052(g)(1) of title 10, United

States Code, is amended by inserting ''or other source authorized to place children for adoption under State or local law'' after ''qualified adoption agency''.

(b) TREATMENT AS CHILDREN FOR MEDICAL AND DENTAL CARE PURPOSES.—Section 1072(6)(D)(i) of such title is amended by inserting '', or by any other source authorized by State or local law to provide adoption placement,'' after ''(recognized by the Secretary of Defense)''.

SEC. 654. EXTENSION OF EFFECTIVE DATE.

Section 6 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1070 note) is amended by striking ''September 30, 2005'' and inserting ''September 30 2007''.

TITLE VII—HEALTH CARE

Subtitle A—Benefits Matters

SEC. 701. CLARIFICATION OF ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ACTIVE DUTY FOLLOWING ISSUANCE OF ORDERS TO ACTIVE DUTY.

Section 1074(a)(2)(B)(iii) of title 10, United States Code, is amended by inserting before the semicolon the following: '', or the orders have been issued but the member has not entered on active duty''.

SEC. 702. LIMITATION ON DEDUCTIBLE AND COPAYMENT REQUIREMENTS FOR NURSING HOME RESIDENTS UNDER THE PHARMACY BENEFITS PROGRAM.

Section 1074g(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(C) In the case of a beneficiary who is a resident of a nursing home and who is required, by State law, to use nursing home pharmacy services utilizing pre-packaged pharmaceuticals, any deductible or copayment requirements for such pharmaceuticals under the cost sharing requirements may not exceed such deductible or copayment requirements as are applicable under the cost sharing requirements to a beneficiary who uses a network provider pharmacy under the pharmacy benefits program.''.

SEC. 703. ELIGIBILITY OF SURVIVING ACTIVE DUTY SPOUSES OF DECEASED MEMBERS FOR ENROLLMENT AS DEPENDENTS IN A TRICARE DENTAL PLAN.

Section 1076a(k)(2) of title 10, United States Code, is amended—

(1) by striking ''under subsection (f), or'' and inserting ''under subsection (f),''; and

(2) by inserting after ''is not enrolled because the dependent is a child under the minimum age for enrollment,'' the following: ''or is not enrolled because the dependent is a spouse who did not qualify for enrollment on the date of the member's death because the spouse was also on active duty for a period of more than 30 days on the date of the member's death,''.

SEC. 704. INCREASED PERIOD OF CONTINUED TRICARE PRIME COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS.

(a) PERIOD OF ELIGIBILITY.—Section 1079(g) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)'';

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraph:

''(2) In addition to any continuation of eligibility for benefits under paragraph (1), when a member dies while on active duty for a period of more than 30 days, the member's dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits under TRICARE Prime during the three-year period beginning on the date of the member's death, except that, in the case of such a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

''(A) Three years.

''(B) The period ending on the date on which such dependent attains 21 years of age.

''(C) In the case of such a dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of such dependent's support, the period ending on the earlier of the following dates:

''(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.

''(ii) The date on which such dependent attains 23 years of age.

''(3) For the purposes of paragraph (2)(C), a dependent shall be treated as being enrolled in a full-time course of study in an institution of higher education during any reasonable period of transition between the dependent's completion of a full-time course of study in a secondary school and the commencement of an enrollment in a full-time course of study in an institution of higher education, as determined by the administering Secretary.

''(4) The terms and conditions under which health benefits are provided under this chapter to a dependent of a deceased member under paragraph (2) shall be the same as those that would apply to the dependent under this chapter if the member were living and serving on active duty for a period of more than 30 days.

''(5) In this subsection, the term 'TRICARE Prime' means the managed care option of the TRICARE program.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

SEC. 705. EXPANDED ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE UNDER THE TRICARE PROGRAM.

(a) GENERAL ELIGIBILITY.—Subsection (a) of section 1076d of title 10, United States Code, is amended—

(1) by striking ''(a) ELIGIBILITY.—A member'' and inserting ''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member'';

(2) by striking ''after the member completes'' and all that follows through ''one or more whole years following such date''; and

(3) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.''.

(b) CONDITION FOR TERMINATION OF ELIGIBILITY.—Subsection (b) of such section is amended by striking ''(b) PERIOD OF COVERAGE.—(1) TRICARE Standard'' and all that follows through ''(3) Eligibility'' and inserting ''(b) TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.—Eligibility''.

(c) CONFORMING AMENDMENTS.—

(1) Such section is further amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section so as to appear following subsection (d).

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

''§ 1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve''.

(d) REPEAL OF OBSOLETE PROVISION.—Section 1076b of title 10, United States Code, is repealed.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

''1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.''.

(f) SAVINGS PROVISION.—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day under such section 1076d as amended by this section.

Subtitle B—Planning, Programming, and Management

SEC. 711. TRICARE STANDARD COORDINATORS IN TRICARE REGIONAL OFFICES.

(a) COORDINATOR IN EACH REGIONAL OFFICE.—

(1) IN GENERAL.—In each TRICARE Regional Office there shall be a position the responsibilities of which shall be the monitoring, oversight, and improvement of the TRICARE Standard option in the TRICARE region concerned.

(2) DESIGNATION.—The position under paragraph (1) in a TRICARE Regional Office shall be filled by an individual in such Regional Office designated for that purpose.

(b) DUTIES OF POSITION.—

(1) IN GENERAL.—The specific duties of the positions required under subsection (a) shall be as set forth in regulations prescribed by the Secretary of Defense, in consultation with the other administering Secretaries.

(2) ELEMENTS.—The duties shall include—

(A) identifying health care providers who will participate in the TRICARE program and provide the TRICARE Standard option under that program;

(B) communicating with beneficiaries who receive the TRICARE Standard option;

(C) outreach to community health care providers to encourage their participation in the TRICARE program; and

(D) publication of information that identifies health care providers in the TRICARE region concerned who provide the TRICARE Standard option.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the plans to implement the requirements of the section.

(d) DEFINITIONS.—In this section:

(1) The terms ''administering Secretaries'' and ''TRICARE program'' have the meaning given such terms in section 1072 of title 10, United States Code.

(2) The term ''TRICARE Standard'' means the Civilian Health and Medical Program of the Uniformed Services option under the TRICARE program.

SEC. 712. REPORT ON DELIVERY OF HEALTH CARE BENEFITS THROUGH MILITARY HEALTH CARE SYSTEM.

(a) REPORT REQUIRED.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the delivery of health care benefits through the military health care system.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An analysis of the organization and costs of delivering health care benefits to current and retired members of the Armed Forces and their families.

(2) An analysis of the costs of ensuring medical readiness throughout the Armed Forces in support of national security objectives.

(3) An assessment of the role of health benefits in the recruitment and retention of members of the Armed Forces, whether in the regular components or the reserve components of the Armed Forces.

(4) An assessment of the experience of the military departments during fiscal years 2003, 2004, and 2005 in recruitment and retention of military and civilian medical and dental personnel, whether in the regular components or the reserve components of the Armed Forces, in light of military and civilian medical manpower requirements.

(5) A description of requirements for graduate medical education for military medical care providers and options for meeting such requirements, including civilian medical training programs.

(c) RECOMMENDATIONS.—In addition to the matters specified in subsection (b), the report under subsection (a) shall also include such recommendations for legislative or administrative action as the Secretary considers necessary to improve efficiency and quality in the provision of health care benefits through the military health care system, including recommendations on—

(1) the organization and delivery of health care benefits;

(2) mechanisms required to measure costs more accurately;

(3) mechanisms required to measure quality of care, and access to care, more accurately;

(4) other improvements in the efficiency of the military health care system; and

(5) any other matters the Secretary considers appropriate to improve the efficiency and quality of military health care benefits.

SEC. 713. COMPTROLLER GENERAL REPORT ON DIFFERENTIAL PAYMENTS TO CHILDREN'S HOSPITALS FOR HEALTH CARE FOR CHILDREN DEPENDENTS UNDER TRICARE.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the effectiveness of the current system of differential payments to children's hospitals for health care services for severely ill dependent children of members of the uniformed services under the TRICARE program in achieving the objective of securing adequate health care services for such dependent children under that program.

(b) ELEMENTS OF STUDY.—The study required by subsection (a) shall include the following:

(1) A description of the current participation of children's hospitals in the TRICARE program.

(2) An assessment of the current system of differential payments to children's hospitals for health care services described in that subsection, including an assessment of—

(A) the extent to which the calculation of such differential payments takes into account the complexity and extraordinary resources required for the provision of such health care services;

(B) the extent to which such differential payments provide appropriate compensation to such hospitals for the provision of such services; and

(C) any obstacles or challenges to the development of future modifications to the system of differential payments.

(3) An assessment of the adequacy of the access of dependent children described in that subsection to specialized hospital services for their illnesses under the TRICARE program.

(c) REPORTS.—Not later than May 1, 2006, the Comptroller General shall submit to the Secretary of Defense and the congressional defense committees a report on the study required by subsection (a), together with such recommendations, if any, as the Comptroller General considers appropriate for modifications of the current system of differential payments to children's hospitals in order to achieve the objective described in that subsection.

(d) TRANSMITTAL TO CONGRESS.—

(1) IN GENERAL.—Not later than November 1, 2006, the Secretary of Defense shall transmit to the congressional defense committees the report submitted by the Comptroller General to the Secretary under subsection (c).

(2) IMPLEMENTATION OF MODIFICATIONS.—If the report under paragraph (1) includes recommendations of the Comptroller General for modifications of the current system of differential payments to children's hospitals, the Secretary shall transmit with the report—

(A) a proposal for such legislative or administration action as may be required to implement such modifications; and

(B) an assessment and estimate of the costs associated with the implementation of such modifications.

(e) DEFINITIONS.—In this section:

(1) DIFFERENTIAL PAYMENTS TO CHILDREN'S HOSPITALS.—The term ''differential payments to children's hospitals'' means the additional amounts paid to children's hospitals under the TRICARE program for health care procedures for severely ill children in order to take into account the additional costs associated with such procedures for such children when compared with the costs associated with such procedures for adults and other children.

(2) TRICARE PROGRAM.—The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 714. REPEAL OF REQUIREMENT FOR COMPTROLLER GENERAL REVIEWS OF CERTAIN DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS PROJECTS ON SHARING OF HEALTH CARE RESOURCES.

(a) JOINT INCENTIVES PROGRAM.—Section 8111(d) of title 38, United States Code, is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(b) HEALTH CARE RESOURCES SHARING AND COORDINATION PROJECT.—Section 722 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2595; 38 U.S.C. 8111 note) is amended—

(1) by striking subsection (h);

(2) by redesignating subsection (i) as subsection (h); and

(3) in paragraph (2) of subsection (h), as so redesignated, by striking ''based on recommendations'' and all that follows and inserting ''as determined by the Secretaries based on information available to the Secretaries to warrant such action.''.

SEC. 715. SURVEYS ON TRICARE STANDARD.

Section 723(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1532; 10 U.S.C. 1073 note) is amended by adding at the end the following new paragraph:

''(4) The surveys required by paragraph (1) shall include questions designed to determine from health care providers participating in such surveys whether such providers are aware of the TRICARE program, what percentage of the current patient population of such providers receive any benefit option under the TRICARE program, and whether such providers accept patients under the medicare program or new patients under the medicare program.''.

SEC. 716. MODIFICATION OF HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT REPORT REQUIREMENTS.

Section 723(e) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 1071 note) is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) Quality measures, including structure, process, and outcomes concerning—

''(A) patient safety;

''(B) timeliness and accessibility of care;

''(C) patient satisfaction; and

''(D) the use of evidence-based practices.

''(2) Population health.

''(3) Biosurveillance.''.

SEC. 717. MODIFICATION OF AUTHORITIES RELATING TO PATIENT CARE REPORTING AND MANAGEMENT SYSTEM.

(a) REPEAL OF REQUIREMENT TO LOCATE DEPARTMENT OF DEFENSE PATIENT SAFETY CENTER WITHIN ARMED FORCES INSTITUTE OF PATHOLOGY.—Subsection (c)(3) of section 754 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into lay by Public Law 106–398; 114 Stat. 1654A–196) is amended by striking ''within the Armed Forces Institute of Pathology''.

(b) RENAMING OF MEDTEAMS PROGRAM.—The caption of subsection (d) of such section is amended by striking ''MEDTEAMS'' and inserting ''MEDICAL TEAM TRAINING''.

SEC. 718. QUALIFICATIONS FOR INDIVIDUALS SERVING AS TRICARE REGIONAL DIRECTORS.

(a) QUALIFICATIONS.—Effective as of the date of the enactment of this Act, no individual may serve in the position of Regional Director under the TRICARE program unless the individual—

(1) is—

(A) an officer of the Armed Forces in a general or flag officer grade; or

(B) a civilian employee of the Department of Defense in the Senior Executive Service; and

(2) has at least 10 years of experience, or equivalent expertise or training, in the military health care system, managed care, and health care policy and administration.

(b) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given such term in section 1072(7) of title 10, United States Code.

Subtitle C—Other Matters

SEC. 731. REPORT ON ADVERSE HEALTH EVENTS ASSOCIATED WITH USE OF ANTI-MALARIAL DRUGS.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study of adverse health events that may be associated with use of anti-malarial drugs, including mefloquine.

(2) PARTICIPATION OF CERTAIN RESEARCHERS.—The Secretary shall ensure the participation in the study of epidemiological and clinical researchers of the Federal Government outside the Department of Defense, and of epidemiological and clinical researchers outside the Federal Government.

(b) MATTERS COVERED.—The study required by subsection (a) shall include the following:

(1) A comparison of adverse health events that may be associated with different anti-malarial drugs, including mefloquine.

(2) An analysis of the extent to which mefloquine may be a risk factor contributing to suicides among members of the Armed Forces.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional

defense committees a report on the study required by subsection (a).

SEC. 732. PILOT PROJECTS ON EARLY DIAGNOSIS AND TREATMENT OF POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) PILOT PROJECTS REQUIRED.—The Secretary of Defense shall carry out not less than three pilot projects to evaluate the efficacy of various approaches to improving the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder (PTSD) and other mental health conditions.

(b) PILOT PROJECT REQUIREMENTS.—

(1) MOBILIZATION–DEMOBILIZATION FACILITY.—

(A) IN GENERAL.—One of the pilot projects under subsection (a) shall be carried out at a military medical facility at a large military installation at which the mobilization or demobilization of members of the Armed Forces occurs.

(B) ELEMENTS.—The pilot project under this paragraph shall be designed to evaluate and produce effective diagnostic and treatment approaches for use by primary care providers in the military health care system in order to improve the capability of such providers to diagnose and treat Post Traumatic Stress Disorder in a manner that avoids the referral of patients to specialty care by a psychiatrist or other mental health professional.

(2) NATIONAL GUARD OR RESERVE FACILITY.—

(A) IN GENERAL.—One of the pilot projects under subsection (a) shall be carried out at the location of a National Guard or Reserve unit or units that are located more than 40 miles from a military medical facility and whose personnel are served primarily by civilian community health resources.

(B) ELEMENTS.—The pilot project under this paragraph shall be designed—

(i) to evaluate approaches for providing evidence-based clinical information on Post Traumatic Stress Disorder to civilian primary care providers; and

(ii) to develop educational materials and other tools for use by members of the National Guard or Reserve who come into contact with other members of the National Guard or Reserve who may suffer from Post Traumatic Stress Disorder in order to encourage and facilitate early reporting and referral for treatment.

(3) INTERNET-BASED DIAGNOSIS AND TREATMENT.—One of the pilot projects under subsection (a) shall be designed to evaluate—

(A) Internet-based automated tools available to military and civilian health care providers for the early diagnosis and treatment of Post Traumatic Stress Disorder, and for tracking patients who suffer from Post Traumatic Stress Disorder; and

(B) Internet-based tools available to family members of members of the Armed Forces in order to assist such family members in the identification of the emergence of Post Traumatic Stress Disorder.

(c) REPORT.—Not later than June 1, 2006, the Secretary shall submit to the congressional defense committees a report on the pilot projects to be carried out under this section. The report shall include a description of each such pilot project, including the location of the pilot projects under paragraphs (2) and (3) of subsection (b), and the scope and objectives of each such pilot project.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each non-defense agency of the Federal Government that procured property or services in excess of $100,000,000 on behalf of the Department of Defense during fiscal year 2005, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2006, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but made significant progress during 2005 toward ensuring compliance with defense procurement requirements; or

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii) or (iii) of subparagraph (B) of such paragraph is correct in the case of a non-defense agency, those Inspectors General shall, not later than March 15, 2007, jointly—

(A) conduct a second review, as described in paragraph (1)(A), regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2006; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each non-defense agency referred to in subsection (a) shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate government-wide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraphs (1) and (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2006, and before March 16, 2007, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a non-defense agency for which a determination described in paragraph (1)(B)(iii) of subsection (a) has been made under that subsection.

(2) LIMITATION AFTER REVIEW PERIOD.—After March 15, 2007, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a particular non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary of Defense for Acquisition, Technology, and Logistics shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of that agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) INAPPLICABILITY TO CERTAIN GSA CONTRACTS.—This section does not apply as follows:

(1) To Client Support Centers of the Federal Technology Service of the General Services Administration, which are subject to review under section 802 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2004; 10 U.S.C. 2302).

(2) To any purchase through the multiple award schedules established by the Administrator of General Services, as described in section 2302(2)(C) of title 10, United States

Code, unless such purchase is made through—

(A) a non-defense agency other than the General Services Administration; or

(B) a business unit of the General Services Administration that is not responsible for administering the multiple award schedules program.

(i) DEFINITIONS.—In this section:

(1) The term ''non-defense agency'' means a department or agency of the Federal Government outside the Department of Defense, except as excluded under subsection (h).

(2) The term ''governmentwide acquisition contract'', with respect to a non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

SEC. 802. CONTRACT SUPPORT ACQUISITION CENTERS.

(a) ESTABLISHMENT.—

(1) ORGANIZATION; DUTIES.—Subchapter I of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 197. Contract Support Acquisition Centers

''(a) ESTABLISHMENT.—(1) The Secretary of Defense shall establish within the Defense Logistics Agency a Defense Contract Support Acquisition Center.

''(2) The Secretary of each military department shall establish a Contract Support Acquisition Center for that military department.

''(b) DIRECTOR.—(1) The Director of a Contract Support Acquisition Center is the head of the Center.

''(2)(A) The Secretary of Defense shall appoint the Director of the Defense Contract Support Acquisition Center.

''(B) The Secretary of a military department shall appoint the Director of the Contract Support Acquisition Center of that department.

''(3) The Director of a Contract Support Acquisition Center shall be selected from among commissioned officers of the armed forces on active duty and senior civilian officers and employees of the Department of Defense who have substantial experience in the acquisition of contract services.

''(c) DUTIES REGARDING ACQUISITIONS.—(1)(A) The Director of the Defense Contract Support Acquisition Center shall act as the executive agent within the Department of Defense for each acquisition of contract services in excess of the simplified acquisition threshold for the Department of Defense, other than an acquisition referred to in subparagraph (B).

''(B) The Director of the Contract Support Acquisition Center of a military department shall act as the executive agent within that military department for each acquisition of contract services in excess of the simplified acquisition threshold for such military department.

''(2) In carrying out paragraph (1), the Director of a Center shall—

''(A) develop and maintain policies, procedures, and best practices guidelines addressing the acquisition of contract services for the Secretary appointing the Director, including policies, procedures, and best practices guidelines for—

''(i) acquisition planning;

''(ii) solicitation and contract award;

''(iii) requirements development and management;

''(iv) contract tracking and oversight;

''(v) performance evaluation; and

''(vi) risk management;

''(B) assign responsibility for carrying out the acquisition of contract services to employees of the Center and other appropriate organizational elements under the jurisdiction of that Secretary;

''(C) dedicate fulltime commodity managers to coordinate the acquisition of key categories of services;

''(D) ensure that contract services being acquired to meet the Secretary's requirements for those services are acquired by means of a contract, or a task or delivery order, that—

''(i) is in the best interests of the Department of Defense or, in the case of the Director of the Center for a military department, the best interests of that military department; and

''(ii) is entered into or issued, and is managed, in compliance with applicable laws, regulations, and directives, and other applicable requirements;

''(E) ensure that competitive procedures and performance-based contracting are used to the maximum extent practicable for the acquisition of contract services for that Secretary; and

''(F) monitor data collection under section 2330a of this title and periodically conduct a spending analysis to ensure that funds expended for the acquisition of contract services for the Secretary are being expended in the most rational and economical manner practicable.

''(d) DUTIES REGARDING ACQUISITION PERSONNEL.—The Directors of the Contract Support Acquisition Centers shall work with appropriate officials of the Department of Defense—

''(1) to identify the critical skills and competencies needed to carry out the acquisition of contract services on behalf of the Department of Defense; and

''(2) to develop a comprehensive strategy for recruiting, training, and deploying employees to meet the requirements for those skills and competencies.

''(e) SCOPE OF AUTHORITY.—The authority of the Director of a Contract Support Acquisition Center under this section applies to acquisitions in excess of the simplified acquisition threshold.

''(f) EXCLUSIVITY OF AUTHORITY.—(1) After September 30, 2009, no officer or employee of the Federal Government outside the Defense Contract Support Acquisition Center may, without the prior written approval of the Director of the Center or the Secretary of Defense, engage in a procurement action for the acquisition of contract services for the Department of Defense that is valued in excess of the simplified acquisition threshold, other than a procurement action covered by paragraph (2).

''(2) After September 30, 2009, no officer or employee of the Federal Government outside the Contract Support Acquisition Center of a military department may, without the prior written approval of the Director of the Center, the Secretary of Defense, or the Secretary of that military department, engage in a procurement action for the acquisition of contract services for that military department that is valued in excess of the simplified acquisition threshold.

''(3) In this subsection, the term 'procurement action' includes the following actions:

''(A) Entry into a contract or any other form of agreement.

''(B) Issuance of a task order, delivery order, or military interdepartmental purchase request.

''(g) STAFF AND SUPPORT.—(1) The Secretary appointing the Director of a Contract Support Acquisition Center shall ensure that the Director of the Center is provided a staff and administrative support that are adequate for the Director to perform the duties of the position under this section effectively.

''(2) The Secretary of Defense may transfer to the Defense Contract Support Acquisition Center any personnel within the Department of Defense whose principal duty is the acquisition of contract services for the Department of Defense.

''(3) The Secretary of a military department may transfer to the Contract Support Acquisition Center of that military department any personnel within such military department whose principal duty is the acquisition of contract services for that military department.

''(h) TRANSFERS OF NONDEFENSE ORGANIZATIONS.—(1) Except as provided in paragraph (5), the Secretary of Defense may accept from the head of a department or agency outside the Department of Defense a transfer to any of the Contract Support Acquisition Centers of all or part of any organizational unit of such other department or agency that is primarily engaged in the acquisition of contract services if, during the most recent year for which data are available before such transfer, more than 50 percent of the contract services acquired by such organizational unit (determined on the basis of cost) were acquired on behalf of the Department of Defense.

''(2) The head of a department or agency outside the Department of Defense may transfer in accordance with this section an organizational unit that is authorized to be accepted under paragraph (1).

''(3) A transfer under this subsection may be made and accepted only pursuant to a memorandum of understanding that is entered into by the head of the department or agency making the transfer and the Secretary of Defense.

''(4) A transfer of an organizational unit under this section shall include the transfer of the personnel of such organizational unit, the assets of such organizational unit, and the contracts of such organizational unit, to the extent provided in the memorandum of understanding governing the transfer of the unit.

''(5) This section does not authorize a transfer of the multiple award schedule program of the General Services Administration described in section 2302(2)(C) of this title.

''(i) SIMPLIFIED ACQUISITION THRESHOLD.—In this section, the term 'simplified acquisition threshold' has the meaning given that term in section 2302(7) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''197. Contract Support Acquisition Centers.''.

(b) IMPLEMENTATION.—

(1) PHASED IMPLEMENTATION OF DIRECTOR'S AUTHORITY TO ACT AS EXECUTIVE AGENT.—Notwithstanding subsections (c)(1) and (e) of section 197 of title 10, United States Code (as added by subsection (a)), the authority of the Director of a Contract Support Acquisition Center to act under such section as executive agent for acquisitions of contract services before October 1, 2009, applies only with respect to—

(A) contracts in excess of $10,000,000 that are entered into after September 30, 2006, and before October 1, 2009; and

(B) any other acquisitions of contract services that, as designated by the Secretary who appointed the Director, are to be carried out for that Secretary by the Director.

(2) PROCUREMENT MANAGEMENT STRUCTURE.—The Secretary of Defense shall implement section 2330 of title 10, United States Code (relating to a management structure for the procurement of services for the Department of Defense), by designating each Director of the Contract Support Acquisition

Center appointed under section 197 of such title (as added by subsection (a)) to act as executive agent for the management of the procurements of services carried out for the Secretary appointing such Director with respect to—

(A) all contracts in excess of $10,000,000 that are entered into after September 30, 2006, and before October 1, 2009; and

(B) all contracts in excess of the simplified acquisition threshold (as defined in section 2302(7) of such title) that are entered into after September 30, 2009.

(3) COMPLIANCE WITH CERTAIN PUBLIC LAW 108–375 REQUIREMENTS.—For compliance with the requirements of section 854 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2022, 10 U.S.C. 2304 note), the Secretary concerned shall designate the Director of the Contract Support Acquisition Center appointed by that Secretary to act as the executive agent of that Secretary to review and approve the use of a contract for the acquisition of contract services that—

(A) is entered into after September 30, 2006, by a department or agency outside the Department of Defense; and

(B) if entered into—

(i) before October 1, 2009, is valued in excess of $10,000,000; or

(ii) after September 30, 2009, is valued in excess of the simplified acquisition threshold (as defined in section 2302(7) of title 10, United States Code).

(4) SECRETARY CONCERNED DEFINED.—In paragraph (3), the term ''Secretary concerned'' means the head of an agency named in subsection (f)(1) of section 854 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2022; 10 U.S.C. 2304 note).

SEC. 803. AUTHORITY TO ENTER INTO ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS NOT A MEMBER.

(a) ACQUISITION AGREEMENTS.—Section 2341(1) of title 10, United States Code, is amended by striking ''of which the United States is a member''.

(b) CROSS-SERVICING AGREEMENTS.—Section 2342(a)(1)(C) of such title is amended by striking ''of which the United States is a member''.

(c) CONFORMING AMENDMENT.—Section 2344(b)(4) of such title is amended by striking ''of which the United States is a member''.

SEC. 804. REQUIREMENT FOR AUTHORIZATION FOR PROCUREMENT OF MAJOR WEAPON SYSTEMS AS COMMERCIAL ITEMS.

(a) REQUIREMENT FOR AUTHORIZATION.—

(1) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2379. Requirement for authorization for procurement of major weapon systems as commercial items

''(a) REQUIREMENT FOR AUTHORIZATION.—A major weapon system of the Department of Defense may be treated as a commercial item, or purchased under procedures established for the procurement of commercial items, only if specifically authorized by Congress.

''(b) TREATMENT OF SUBSYSTEMS AND COMPONENTS AS COMMERCIAL ITEMS.—A subsystem or component of a major weapon system shall be treated as a commercial item and purchased under procedures established for the procurement of commercial items if such subsystem or component otherwise meets the requirements for treatment as a commercial item.

''(c) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term 'major weapon system' means a weapon system acquired pursuant to a major defense acquisition program (as that term is defined in section 2430 of this title).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of such title is amended by adding at the end the following new item:

''2379. Requirement for authorization for procurement of major weapon systems as commercial items.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to contracts entered on or after such date.

SEC. 805. REPORT ON SERVICE SURCHARGES FOR PURCHASES MADE FOR MILITARY DEPARTMENTS THROUGH OTHER DEPARTMENT OF DEFENSE AGENCIES.

(a) REPORTS BY MILITARY DEPARTMENTS.—For each of fiscal years 2005 and 2006, the Secretary of each military department shall, not later than 60 days after the last day of that fiscal year, submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report on the service charges imposed on such military department for purchases in amounts greater than the simplified acquisition threshold that were made for that military department during such fiscal year through a contract entered into by an agency of the Department of Defense other than that military department. The report shall specify the amounts of the service charges and identify the services provided in exchange for such charges.

(b) ANALYSIS OF MILITARY DEPARTMENT REPORTS.—Not later than 90 days after receiving a report of the Secretary of a military department for a fiscal year under subsection (a), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review the service charges delineated in such report for the acquisitions covered by the report and the services provided in exchange for such charges and shall compare those charges with the costs of the alternative means for making such acquisitions. The analysis shall include the Under Secretary's determinations of whether the imposition and amounts of the service charges were reasonable.

(c) REPORT TO CONGRESS.—Not later than April 1, 2006 (for reports for fiscal year 2005 under subsection (a)), and not later than April 1, 2007 (for reports for fiscal year 2006 under subsection (a)), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the reports submitted by the Secretaries of the military departments under subsection (a), together with the Under Secretary's determinations under subsection (b) with regard to the matters set forth in those reports.

(d) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—In this section, the term ''simplified acquisition threshold'' has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

SEC. 806. REVIEW OF DEFENSE ACQUISITION STRUCTURES.

(a) REVIEW BY DEFENSE ACQUISITION UNIVERSITY.—The Defense Acquisition University, acting under the direction and authority of the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall conduct a review of the acquisition structure of the Department of Defense, including the acquisition structure of the following:

(1) Each military department.

(2) Each defense agency.

(3) Any other element of the Department of Defense that has an acquisition function.

(b) ELEMENTS.—

(1) IN GENERAL.—In reviewing the acquisition structure of an organization under subsection (a), the Defense Acquisition University shall—

(A) determine the current structure of the organization;

(B) review the evolution of the current structure of the organization, including the reasons for each reorganization of the structure, and identify any acquisition structures or capabilities that have been divested from the organization during the last 15 years;

(C) identify the capabilities needed by the organization to fulfill its function and assess the capacity of the organization, as currently structured, to provide such capabilities; and

(D) identify any gaps, shortfalls, or inadequacies relating to acquisitions in the current structure of the organization.

(2) EMPHASIS IN REVIEW.—In conducting the review of acquisition structures under subsection (a), the University shall place special emphasis on consideration of—

(A) structures and processes for joint acquisition, including actions that may be needed to improve such structures and processes; and

(B) actions that may be needed to improve acquisition outcomes.

(c) PRIORITY ON COMPLETION OF REVIEW OF ACQUISITION STRUCTURE OF DEPARTMENT OF AIR FORCE.—In conducting the review of acquisition structures under subsection (a), the Defense Acquisition University shall give a priority to a review of the acquisition structure of the Department of the Air Force.

(d) FUNDING.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide the Defense Acquisition University the funds required to conduct the review under subsection (a).

(e) REPORTS.—

(1) INTERIM REPORT ON STRUCTURE OF DEPARTMENT OF AIR FORCE.—Not later than one year after the date of the enactment of this Act, the Defense Acquisition University shall submit to the congressional defense committees an interim report addressing the acquisition structure of the Department of the Air Force.

(2) FINAL REPORT ON REVIEW.—Not later than 180 days after the completion of the review required by subsection (a), the University shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report on the review. The report shall include a separate annex on the acquisition structure on each organization covered by the review, which annex—

(A) shall address the matters specified under subsection (b) with respect to such organization; and

(B) may include such recommendations with respect to such organization as the University considers appropriate.

(3) TRANSMITTAL OF FINAL REPORT.—Not later than 90 days after the receipt of the report under paragraph (2), the Under Secretary shall transmit to the congressional defense committees a copy of the report, together with the comments of the Under Secretary on the report.

(f) DEFENSE ACQUISITION UNIVERSITY DEFINED.—In this section, the term ''Defense Acquisition University'' means the Defense Acquisition University established pursuant to section 1746 of title 10, United States Code.

Subtitle B—Defense Industrial Base Matters

SEC. 811. CLARIFICATION OF EXCEPTION FROM BUY AMERICAN REQUIREMENTS FOR PROCUREMENT OF PERISHABLE FOOD FOR ESTABLISHMENTS OUTSIDE THE UNITED STATES.

Section 2533a(d)(3) of title 10, United States Code, is amended by inserting '', or for,'' after ''perishable foods by''.

SEC. 812. CONDITIONAL WAIVER OF DOMESTIC SOURCE OR CONTENT REQUIREMENTS FOR CERTAIN COUNTRIES WITH RECIPROCAL DEFENSE PROCUREMENT AGREEMENTS WITH THE UNITED STATES.

(a) AUTHORITY FOR ANNUAL WAIVER.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2539c. Domestic source or content requirements: one-year waiver for certain countries with reciprocal defense procurement agreements with the United States

''(a) WAIVER AUTHORITY.—Subject to subsection (g), upon making a determination under subsection (b) that a foreign country described by that subsection has not qualitatively or quantitatively increased exports of defense items, as determined by the Secretary of Defense for purposes of this section, to the People's Republic of China during the fiscal year in which such determination is made, the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (c) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured in such foreign country during the fiscal year following the fiscal year in which such determination is made.

''(b) ANNUAL DETERMINATIONS.—Not later than September 30 each fiscal year, the Secretary of Defense may determine whether or not a foreign country with which the United States had in force during such fiscal year a reciprocal defense procurement memorandum of understanding or agreement qualitatively or quantitatively increased exports of defense items to the People's Republic of China during such fiscal year. Each such determination shall be in writing.

''(c) COVERED REQUIREMENTS.—For purposes of this section:

''(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

''(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

''(d) EFFECTIVE PERIOD OF WAIVER.—Any waiver of the application of any domestic source requirement or domestic content with respect to a foreign country under subsection (a) shall be effective only for the fiscal year following the fiscal year in which is made the determination on which such waiver is based.

''(e) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(f) CONSULTATIONS.—The Secretary of Defense may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

''(g) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

''(1) The Small Business Act (15 U.S.C. 631 et seq.).

''(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

''(3) Section 2533a of this title.

''(4) Sections 7309 and 7310 of this title.

''(h) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

''(i) CLARIFICATION OF RELATIONSHIP WITH BUY AMERICAN ACT.—Nothing in this section shall be construed to alter in any way the applicability of the Buy American Act (41 U.S.C. 10a), or the authority of the Secretary of Defense to waive the requirements of such Act, with respect to the procurement of any item to which such Act would apply without regard to this section.

''(j) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment of such law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of such chapter is amended by adding at the end the following new item:

''2539c. Domestic source or content requirements: one-year waiver for certain countries with reciprocal defense procurement agreements with the United States.''.

SEC. 813. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

SEC. 814. IDENTIFICATION OF AREAS OF RESEARCH AND DEVELOPMENT EFFORT FOR PURPOSES OF SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

(a) REVISION AND UPDATE OF CRITERIA AND PROCEDURES OF IDENTIFICATION.—The Secretary of Defense shall, not less often than once every four years, revise and update the criteria and procedures utilized to identify areas of the research and development effort of the Department of Defense which are suitable for the provision of funds under the Small Business Innovation Research Program.

(b) UTILIZATION OF PLANS.—The criteria and procedures described in subsection (a) shall be developed through the use of the most current versions of the following plans:

(1) The joint warfighting science and technology plan required under section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note).

(2) The Defense Technology Area Plan of the Department of Defense.

(3) The Basic Research Plan of the Department of Defense.

(c) INPUT IN IDENTIFICATION OF AREAS OF EFFORT.—The criteria and procedures described in subsection (a) shall include input in the identification of areas of research and development effort described in that subsection from Department of Defense program managers (PMs) and program executive officers (PEOs).

(d) IDENTIFICATION OF RESEARCH PROGRAMS FOR ACCELERATED TRANSITION TO ACQUISITION PROCESS.—

(1) IN GENERAL.—The Secretary of each military department shall identify research programs that have successfully completed Phase II of the Small Business Innovation Research Program and that have the potential for rapid transitioning to Phase III and into the acquisition process.

(2) LIMITATION.—No research program may be identified under paragraph (1) unless the Secretary of the military department concerned certifies in writing that the successful transition of the program to Phase III and into the acquisition process is expected to meet high priority military requirements of such military department.

(3) REPORT.—The Secretary shall submit to the congressional defense committees a report setting forth the research programs identified under paragraph (1). The report shall include a description of the requirements intended to be met by each program identified in the report.

(e) SMALL BUSINESS INNOVATION RESEARCH PROGRAM DEFINED.—In this section, the term ''Small Business Innovation Research Program'' has the meaning given that term in section 2500(11) of title 10, United States Code.

Subtitle C—Defense Contractor Matters

SEC. 821. REQUIREMENTS FOR DEFENSE CONTRACTORS RELATING TO CERTAIN FORMER DEPARTMENT OF DEFENSE OFFICIALS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410p. Defense contractors: requirements concerning former Department of Defense officials

''(a) IN GENERAL.—Each contract for the procurement of goods or services in excess of $10,000,000, other than a contract for the procurement of commercial items, that is entered into by the Department of Defense shall include a provision under which the contractor agrees to submit to the Secretary of Defense, not later than April 1 of each year such contract is in effect, a written report setting forth the information required by subsection (b).

''(b) REPORT INFORMATION.—A report by a contractor under subsection (a) shall—

''(1) list the name of each person who—

''(A) is a former officer or employee of the Department of Defense or a former or retired member of the armed forces; and

''(B) during the preceding calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor—

''(i) not more than two years after such officer, employee, or member left service in the Department of Defense; and

''(ii) not more than two years before the date on which the report is required to be submitted; and

''(2) in the case of each person listed under paragraph (1)—

''(A) identify the agency in which such person was employed or served on active duty during the last two years of such person's service with the Department of Defense;

''(B) state such person's job title and identify each major defense system, if any, on which such person performed any work with the Department of Defense during the last two years of such person's service with the Department; and

''(C) state such person's current job title with the contractor and identify each major defense system on which such person has performed any work on behalf of the contractor.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

''2410p. Defense contractors: requirements concerning former Department of Defense officials.''.

(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 contracts entered into on or after that date.

SEC. 822. REVIEW OF CERTAIN CONTRACTOR ETHICS MATTERS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Director of the Office of Government Ethics and the Administrator for Federal Procurement Policy, conduct a review of the ethics considerations raised by the following:

(1) The performance by contractor employees of functions closely associated with inherently governmental functions.

(2) The performance by contractor employees of other functions historically performed by Government employees in the Federal workplace.

(b) OPTIONS TO BE ADDRESSED.—The review under subsection (a) shall include the consideration of a broad range of options for addressing the ethics considerations described in that subsection, including—

(1) amending the Federal Acquisition Regulation to address ethics and personal conflict of interest concerns for contractor employees;

(2) implementing the Federal Acquisition Regulation, as so amended, through the incorporation of appropriate provisions in Federal agency contracts and in the solicitations for such contracts;

(3) requiring such contracts and solicitations to state that contractor employees will be bound by certain ethics standards, whether contractor-imposed or Government-imposed;

(4) encouraging Federal agency personnel to consider including provisions in contracts and solicitations that address conflict of interest issues and require contractor personnel to receive training on Government ethics rules; and

(5) continuing to identify and mitigate conflicts and ethics concerns involving contractor personnel on a case-by-case basis.

(c) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the findings and recommendations of the Secretary as a result of the review under subsection (a) and the consideration of options under subsection (b).

(2) ADDITIONAL VIEWS.—The report under paragraph (1) shall set forth the views, if any, of the Director of the Office of Government Ethics and the Administrator for Federal Procurement Policy on the matters covered by the report.

(d) FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this section, 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.

SEC. 823. CONTRACT FRAUD RISK ASSESSMENT.

(a) RISK ASSESSMENT TEAM.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish a risk assessment team to assess the vulnerability of Department of Defense contracts to fraud, waste, and abuse.

(2) The risk assessment team shall be chaired by the Inspector General of the Department of Defense and shall include representatives of the Defense Logistics Agency, the Defense Contract Management Agency, the Defense Contract Audit Agency, the Army, the Navy, and the Air Force.

(3) The risk assessment team shall—

(A) review the contracting systems and internal controls of the Department of Defense and the systems and controls of prime contractors of the Department of Defense to identify areas of vulnerability of Department of Defense contracts to fraud, waste, and abuse; and

(B) prepare a report on the results of its review.

(4) Not later than six months after the date of the enactment of this Act, the chairman of the risk assessment team shall submit the report prepared under paragraph (3)(B) to the Secretary of Defense and the congressional defense committees.

(b) COMPTROLLER GENERAL REVIEW.—(1) Not later than 60 days after the date on which the report of the risk assessment team is submitted under subsection (a)(4), the Comptroller General of the United States shall—

(A) review the methodology used by the risk assessment team and the results of the team's review; and

(B) submit a report on the Comptroller General's review to the congressional defense committees.

(2) The report under paragraph (1)(B) shall include the Comptroller General's findings and any recommendations that the Comptroller considers appropriate.

(c) ACTION PLAN.—Not later than three months after receiving the report of the risk assessment team under subsection (a)(4), the Secretary of Defense shall develop and submit to the congressional defense committees a plan of actions for addressing the areas of vulnerability identified in the report. If the Secretary determines that no action is necessary with regard to an area of vulnerability, the report shall include a discussion of the rationale for that determination.

Subtitle D—Defense Acquisition Workforce Matters

SEC. 831. AVAILABILITY OF FUNDS IN ACQUISITION WORKFORCE TRAINING FUND FOR DEFENSE ACQUISITION WORKFORCE IMPROVEMENTS.

(a) AVAILABILITY OF DEPARTMENT OF DEFENSE CONTRACT FEES FOR DEFENSE ACQUISITION UNIVERSITY.—Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended—

(1) in subsection (a), by striking ''This section'' and inserting ''Except as otherwise provided, this section''; and

(2) in subsection (h)(3)—

(A) in subparagraph (B), by striking ''(other than the Department of Defense)'' in the first sentence;

(B) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E), (F), (G), and (H), respectively;

(C) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) The Administrator of General Services shall credit to the Defense Acquisition University fees collected in accordance with subparagraph (B) from the Department of Defense. Amounts so credited shall be used to develop and expand training for the defense acquisition workforce.''; and

(D) in subparagraph (E), as so redesignated, by striking ''the purpose specified in subparagraph (A)'' and inserting ''the purposes specified in subparagraphs (A) and (D)''.

(b) CONFORMING AMENDMENT.—Section 1412 of the National Defense Authorization Act for Fiscal year 2004 (Public Law 108–136; 117 Stat. 1664; 41 U.S.C. 433 note) is amended by striking subsection (c).

SEC. 832. LIMITATION AND REINVESTMENT AUTHORITY RELATING TO REDUCTION OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) LIMITATION.—Notwithstanding any other provision of law, the defense acquisition and support workforce may not be reduced, during fiscal years 2006, 2007, and 2008, below the level of that workforce as of September 30, 2004, determined on the basis of full-time employee equivalence, except as may be necessary to strengthen the defense acquisition and support workforce in higher priority positions in accordance with this section.

(b) INCREASE AND REALIGNMENT OF WORKFORCE.—(1)(A) During fiscal years 2006, 2007, and 2008, the Secretary of Defense shall increase the number of persons employed in the defense acquisition and support workforce as follows:

(i) During fiscal year 2006, to 105 percent of the baseline number (as defined in subparagraph (B)).

(ii) During fiscal year 2007, to 110 percent of the baseline number.

(iii) During fiscal year 2008, to 115 percent of the baseline number.

(B) In this paragraph, the term ''baseline number'', with respect to persons employed in the defense acquisition and support workforce, means the number of persons employed in such workforce as of September 30, 2004 (determined on the basis of full-time employee equivalence).

(C) The Secretary of Defense may waive a requirement in subparagraph (A) and, subject to subsection (a), employ in the defense acquisition and support workforce a lesser number of employees if the Secretary determines and certifies to the congressional defense committees that the cost of increasing such workforce to the larger size as required under that subparagraph would exceed the savings to be derived from the additional oversight that would be achieved by having a defense acquisition and support workforce of such larger size.

(2) During fiscal years 2006, 2007, and 2008, the Secretary of Defense may realign any part of the defense acquisition and support workforce to support reinvestment in other, higher priority positions in such workforce.

(c) HIGHER PRIORITY POSITIONS.—For the purposes of this section, higher priority positions in the defense acquisition and support workforce include the following positions:

(1) Positions the responsibilities of which include system engineering.

(2) Positions the responsibilities of which include drafting performance-based work statements for services contracts and overseeing the performance of contracts awarded pursuant to such work statements.

(3) Positions the responsibilities of which include conducting spending analyses, negotiating company-wide pricing agreements, and taking other measures to reduce contract costs.

(4) Positions the responsibilities of which include reviewing contractor quality control systems, assessing and analyzing quality deficiency reports, and taking other measures to improve product quality.

(5) Positions the responsibilities of which include effectively conducting public-private competitions in accordance with Office of Management and Budget Circular A–76.

(6) Any other positions in the defense acquisition and support workforce that the Secretary of Defense identifies as being higher priority positions that are staffed at levels not likely to ensure efficient and effective performance of all of the responsibilities of those positions.

(d) STRATEGIC ASSESSMENT AND PLAN.—(1) The Secretary of Defense shall—

(A) assess the extent to which the Department of Defense can recruit, retain, train, and provide professional development opportunities for acquisition professionals over the 10-fiscal year period beginning with fiscal year 2006; and

(B) develop a human resources strategic plan for the defense acquisition and support

workforce that includes objectives and planned actions for improving the management of such workforce.

(2) The Secretary shall submit to Congress, not later than April 1, 2006, a report on the progress made in—

(A) completing the assessment required under paragraph (1); and

(B) completing and implementing the strategic plan required under such paragraph.

(e) DEFENSE ACQUISITION AND SUPPORT WORKFORCE DEFINED.—In this section, the term ''defense acquisition and support workforce'' means members of the Armed Forces and civilian personnel who are assigned to, or are employed in, an organization of the Department of Defense that has acquisition as its predominant mission, as determined by the Secretary of Defense.

SEC. 833. TECHNICAL AMENDMENTS RELATING TO DEFENSE ACQUISITION WORKFORCE IMPROVEMENTS.

Section 1732 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by striking ''(b)(2)(A) and (b)(2)(B)'' each place it appears in paragraphs (1) and (2) and inserting ''(b)(1)(A) and (b)(1)(B)''; and

(B) by striking paragraph (3); and

(2) in subsection (d)(2), by striking ''(b)(2)A)(ii)'' and inserting ''(b)(1)(A)(ii)''.

Subtitle E—Other Matters

SEC. 841. EXTENSION OF CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESS AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

Section 2323(k) of title 10, United States Code, is amended by striking ''2006'' both places it appears and inserting ''2009''.

SEC. 842. CODIFICATION AND MODIFICATION OF LIMITATION ON MODIFICATION OF MILITARY EQUIPMENT WITHIN FIVE YEARS OF RETIREMENT OR DISPOSAL.

(a) CODIFICATION AND MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by section 821(a)(1) of this Act, is further amended by adding at the end the following new section:

''§ 2410q. Modification of equipment within five years of retirement or disposal

''(a) IN GENERAL.—Except as provided in subsection (b), a military department may not modify an aircraft, vessel, weapon, or other item of equipment if the military department plans to retire or otherwise dispose of such equipment within 5 years of the date of the completion of such modification.

''(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply to any modification as follows:

''(1) A modification for safety purposes.

''(2) Any other modification but only if the aggregate cost of all such modifications for the aircraft, vessel, weapon, or other item of equipment concerned during any fiscal year, including any procurement, installation, or removal costs, is less than $100,000.

''(c) WAIVER.—The Secretary of a military department may waive the prohibition in subsection (a) with respect to a modification referred to in that subsection if such Secretary—

''(1) determines that the waiver is in the national security interests of the United States; and

''(2) notifies the congressional defense committees of such determination in writing.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 821(a)(2) of this Act, is further amended by adding at the end the following new item:

''2410q. Modification of equipment within five years of retirement or disposal.''.

(b) REPEAL OF SUPERSEDED LIMITATION.—Section 8053 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56; 111 Stat. 1232; 10 U.S.C. 2241 note) is repealed.

SEC. 843. CLARIFICATION OF RAPID ACQUISITION AUTHORITY TO RESPOND TO COMBAT EMERGENCIES.

(a) SCOPE OF AUTHORITY.—Subsection (c) of section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended—

(1) by striking ''combat capability'' each place it appears; and

(2) by striking ''fatalities'' each place it appears and inserting ''casualties''.

(b) DELEGATION OF AUTHORITY.—Such subsection is further amended in paragraph (1) by inserting ''below the Deputy Secretary of Defense'' after ''delegation''.

(c) WAIVER AUTHORITY.—Subsection (d)(1) of such section is further amended—

(1) in subparagraph (B), by striking ''or'';

(2) in subparagraph (C), by striking the period and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(D) domestic source or content restrictions that would inhibit or impede the rapid acquisition of the equipment.''.

SEC. 844. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in subsection (a)—

(A) by striking ''The Director'' and inserting ''(1) Subject to paragraph (2), the Director''; and

(B) by adding at the end the following new paragraph:

''(2) The authority of this section—

''(A) does not extend to any prototype project that is expected to cost in excess of $100,000,000; and

''(B) may be exercised for a prototype project that is expected to cost in excess of $20,000,000 only upon a written determination by the senior procurement executive for the agency (as designated for the purpose of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) that—

''(i) the requirements of subsection (d) will be met; and

''(ii) the use of a standard contact, grant, or cooperative agreement for such project is not feasible or appropriate.'';

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following new subsection (h):

''(h) APPLICABILITY OF PROCUREMENT ETHICS REQUIREMENTS.—An agreement entered into under the authority of this section shall be treated as a Federal agency procurement for the purposes of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).''.

SEC. 845. EXTENSION OF CERTAIN AUTHORITIES ON CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

Section 853 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2021) is amended by striking ''September 30, 2005'' in subsections (a)(2)(A) and (b)(2)(A) and inserting ''September 30, 2006''.

SEC. 846. INCREASED LIMIT APPLICABLE TO ASSISTANCE PROVIDED UNDER CERTAIN PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Section 2414(a)(2) of title 10, United States Code, is amended by striking ''$150,000'' and inserting ''$300,000''.

SEC. 847. PILOT PROGRAM ON EXPANDED PUBLIC-PRIVATE PARTNERSHIPS FOR RESEARCH AND DEVELOPMENT.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to authorize the organizations referred to in subsection (b) to enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) in order to assess the benefits of such agreements for such organizations and for the Department of Defense as a whole.

(b) COVERED ORGANIZATIONS.—The organizations referred to in this subsection are as follows:

(1) The National Defense University.

(2) The Defense Acquisition University.

(3) The Joint Forces Command.

(4) The United States Transportation Command.

(c) LIMITATION.—No agreement may be entered into, or continue in force, under the pilot program under subsection (a) after September 30, 2009.

(d) REPORT.—Not later than February 1, 2009, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a). The report shall include—

(1) a description of any agreements entered into under the pilot program; and

(2) the assessment of the Secretary of the benefits of the agreements entered into under the pilot program for the organizations referred to in subsection (b) and for the Department of Defense as a whole.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Duties and Functions of Department of Defense Officers and Organizations

SEC. 901. DIRECTORS OF SMALL BUSINESS PROGRAMS.

(a) REDESIGNATION OF EXISTING POSITIONS AND OFFICES.—(1) Each of the following positions within the Department of Defense is redesignated as the Director of Small Business Programs:

(A) The Director of Small and Disadvantaged Business Utilization of the Department of Defense.

(B) The Director of Small and Disadvantaged Business Utilization of the Department of the Army.

(C) The Director of Small and Disadvantaged Business Utilization of the Department of the Navy.

(D) The Director of Small and Disadvantaged Business Utilization of the Department of the Air Force.

(2) Each of the following offices within the Department of Defense is redesignated as the Office of Small Business Programs:

(A) The Office of Small and Disadvantaged Business Utilization of the Department of Defense.

(B) The Office of Small and Disadvantaged Business Utilization of the Department of the Army.

(C) The Office of Small and Disadvantaged Business Utilization of the Department of the Navy.

(D) The Office of Small and Disadvantaged Business Utilization of the Department of the Air Force.

(3) Any reference in any law, regulation, document, paper, or other record of the United States to a position or office redesignated by paragraph (1) or (2) shall be deemed to be a reference to the position or office as so redesignated.

(b) DEPARTMENT OF DEFENSE POSITION AND OFFICE.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 133b the following new section:

''§ 133c. Director of Small Business Programs

''(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of Defense. The Director is appointed by the Secretary of Defense.

''(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of Defense is the

office that is established within the Office of the Secretary of Defense under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

''(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of Defense, and shall exercise such powers regarding those programs, as the Secretary of Defense may prescribe.

''(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 133b the following new item:

''133c. Director of Small Business Programs.''.

(c) DEPARTMENT OF THE ARMY POSITION AND OFFICE.—(1) Chapter 303 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3024. Director of Small Business Programs

''(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Army. The Director is appointed by the Secretary of the Army.

''(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Army is the office that is established within the Department of the Army under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

''(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Army, and shall exercise such powers regarding those programs, as the Secretary of the Army may prescribe.

''(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3024. Director of Small Business Programs.''.

(d) DEPARTMENT OF THE NAVY POSITION AND OFFICE.—(1) Chapter 503 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 5028. Director of Small Business Programs

''(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Navy. The Director is appointed by the Secretary of the Navy.

''(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Navy is the office that is established within the Department of the Navy under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

''(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Navy, and shall exercise such powers regarding those programs, as the Secretary of the Navy may prescribe.

''(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''5028. Director of Small Business Programs.''.

(d) DEPARTMENT OF THE AIR FORCE POSITION AND OFFICE.—(1) Chapter 803 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8024. Director of Small Business Programs

''(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Air Force. The Director is appointed by the Secretary of the Air Force.

''(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Air Force is the office that is established within the Department of the Air Force under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

''(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Air Force, and shall exercise such powers regarding those programs, as the Secretary of the Air Force may prescribe.

''(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8024. Director of Small Business Programs.''.

SEC. 902. EXECUTIVE AGENT FOR ACQUISITION OF CAPABILITIES TO DEFEND THE HOMELAND AGAINST CRUISE MISSILES AND OTHER LOW-ALTITUDE AIRCRAFT.

(a) DESIGNATION OF EXECUTIVE AGENT.—The Secretary of Defense shall designate an official within the Department of Defense to act as executive agent to manage the acquisition of capabilities necessary to defend the homeland against cruise missiles, unmanned aerial vehicles, and other low altitude aircraft that may be launched against the United States.

(b) COORDINATION OF ACTIVITIES.—The official designated as executive agent under subsection (a) shall, in order to promote commonality and limit duplication of effort, coordinate in the acquisition of capabilities described in that subsection with appropriate officials of the following:

(1) The Missile Defense Agency.

(2) The Joint Theater Air and Missile Defense Organization.

(3) The United States Northern Command.

(4) The United States Strategic Command.

(5) Such other elements of the Department of Defense, and of other departments and agencies of the United States Government, as the Secretary considers appropriate for purposes of this section.

(c) PLAN FOR DEFENSE AGAINST ATTACK.—

(1) PLAN 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 plan for the defense of the United States against cruise missiles, unmanned aerial vehicles, and other low altitude aircraft that may be launched against the United States.

(2) FOCUS OF PLAN.—In developing the plan, the Secretary shall focus on the role of Department of Defense components in the defense of the United States against an attack described in paragraph (1), but shall also address the role, if any, of other departments and agencies of the United States Government in that defense.

(3) ELEMENTS.—The plan shall include the following:

(A) An identification of the capabilities required by the Department of Defense in order to fulfill its mission to defend the homeland against cruise missiles, unmanned aerial vehicles, and other low altitude aircraft, and an identification of any current shortfalls in such capabilities.

(B) A schedule for implementing the plan.

(C) A statement of the funding required to implement the Department of Defense portion of the plan.

(D) An identification of the roles and missions, if any, of other departments and agencies of the United States Government in contributing to the defense of the United States against attack described in subparagraph (A).

(4) SCOPE OF PLAN.—The plan shall be coordinated with Department of Defense plans for defending the United States against attack by short-range to medium-range ballistic missiles.

SEC. 903. PROVISION OF AUDIOVISUAL SUPPORT SERVICES BY THE WHITE HOUSE COMMUNICATIONS AGENCY.

(a) PROVISION ON NONREIMBURSABLE BASIS.—Section 912 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2623; 10 U.S.C. 111 note) is amended—

(1) in subsection (a)—

(A) in the subsection caption, by inserting ''AND AUDIOVISUAL SUPPORT SERVICES'' after ''TELECOMMUNICATIONS SUPPORT''; and

(B) by inserting ''and audiovisual support services'' after ''provision of telecommunications support''; and

(2) in subsection (b), by inserting ''and audiovisual'' after ''other than telecommunications''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to the provision of audiovisual support services by the White House Communications Agency in fiscal years beginning on or after that date.

Subtitle B—Space Activities

SEC. 911. ADVISORY COMMITTEE ON DEPARTMENT OF DEFENSE REQUIREMENTS FOR SPACE CONTROL.

(a) ADVISORY COMMITTEE REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an advisory committee to review and assess Department of Defense requirements for space control.

(2) NEW OR EXISTING ADVISORY COMMITTEE.—The Secretary may carry out paragraph (1) through the establishment of a new advisory committee, or the utilization of a current advisory committee, meeting the requirements of subsection (b)(1).

(b) MEMBERSHIP AND ADMINISTRATION OF ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—The advisory committee under subsection (a) shall consist of individuals from among officers and employees of the Federal Government, and private citizens of the United States, with knowledge and expertise in national security space policy.

(2) ADMINISTRATION.—The Secretary shall establish appropriate procedures for the administration of the advisory committee for purposes of this section, including designation of the chairman of the advisory committee from among its members.

(3) SECURITY CLEARANCES.—All members of the advisory committee shall hold security clearances appropriate for the work of the advisory committee.

(4) FIRST MEETING.—The advisory committee shall convene its first meeting for purposes of this section not later than 30 days after the date on which all members of

the advisory committee have been selected for such purposes.

(c) DUTIES.—The advisory committee shall conduct a review and assessment of the following:

(1) The requirements of the Department of Defense for its space control mission and the efforts of the Department to fulfill such requirements.

(2) Whether or not the Department of Defense is allocating appropriate resources to fulfill the current space control mission of the Department when compared with the allocation by the Department of resources to other military space missions.

(3) The plans of the Department of Defense to meet its future space control mission.

(d) INFORMATION FROM FEDERAL AND STATE AGENCIES.—

(1) IN GENERAL.—The advisory committee may secure directly from the Department of Defense, from any other department or agency of the Federal Government, and any State government any information that the advisory committee considers necessary to carry out its duties under this section.

(2) LIAISON.—The Secretary of Defense shall designate at least one senior civilian employee of the Department of Defense and at least one general or flag officer of an Armed Force to serve as liaison between the Department, the Armed Forces, and the advisory committee for purposes of this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of the first meeting of the advisory committee under subsection (b)(4), the advisory committees shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the review and assessment under subsection (c).

(2) ELEMENTS.—The report shall include—

(A) the findings and conclusions of the advisory committee on the requirements of the Department of Defense for its space control mission and the efforts of the Department to fulfill such requirements; and

(B) any recommendations that the advisory committee considers appropriate regarding the best means by which the Department may fulfill such requirements.

(f) TERMINATION.—The advisory committee shall terminate for purposes of this section 10 months after the date of the first meeting of the advisory committee under subsection (b)(4).

(g) SPACE CONTROL MISSION.—In this section, the term ''space control mission'' means the mission of the Department of Defense involving the following:

(1) Space situational awareness.

(2) Defensive counterspace operations.

(3) Offensive counterspace operations.

(h) FUNDING.—Amounts authorized to be appropriated to the Department of Defense shall be available to the Secretary of Defense for purposes of the activities of the advisory committee under this section.

Subtitle C—Other Matters

SEC. 921. ACCEPTANCE OF GIFTS AND DONATIONS FOR DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) AUTHORITY TO ACCEPT.—

(1) IN GENERAL.—Section 2611 of title 10, United States Code, is amended to read as follows:

''§ 2611. Regional centers for security studies: acceptance of gifts and donations

''(a) AUTHORITY TO ACCEPT GIFTS AND DONATIONS.—Subject to subsection (c), the Secretary of Defense may, on behalf of any Department of Defense regional center for security studies, any combination of such centers, or such centers generally, accept from any source specified in subsection (b) any gift or donation for purposes of defraying the costs, or enhancing the operation, of such center, combination of centers, or centers generally, as the case may be.

''(b) SOURCES.—The sources from which gifts and donations may be accepted under subsection (a) are the following:

''(1) The government of a State or a political subdivision of a State.

''(2) The government of a foreign country.

''(3) A foundation or other charitable organization, including a foundation or charitable organization this is organized or operates under the laws of a foreign country.

''(4) Any source in the private sector of the United States or a foreign country.

''(c) LIMITATION.—The Secretary may not accept a gift or donation under subsection (a) if acceptance of the gift or donation would compromise or appear to compromise—

''(1) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

''(2) the integrity of any program of the Department, or of any person involved in such a program.

''(d) CRITERIA FOR ACCEPTANCE.—The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a gift or donation would have a result described in subsection (c).

''(e) CREDITING OF FUNDS.—(1) There is established on the books of the Treasury of the United States an account to be known as the 'Regional Centers for Security Studies Account'.

''(2) Gifts and donations of money accepted under subsection (a) shall be credited to the Account, and shall be available until expended, without further appropriation, to defray the costs, or enhance the operation, of the regional center, combination of centers, or centers generally for which donated under that subsection.

''(f) GIFT OR DONATION DEFINED.—In this section, the term 'gift or donation' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2611 and inserting the following new item:

''2611. Regional centers for security studies: acceptance of gifts and donations.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892) is amended by striking subsection (a).

(2) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 113 note) is amended—

(A) by striking subsection (a); and

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

SEC. 922. OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE AGENCY.

(a) PROTECTION OF OPERATIONAL FILES OF DEFENSE INTELLIGENCE AGENCY.—(1) Title VII of the National Security Act of 1947 (50 U.S.C. 431 et. seq.) is amended by adding at the end the following new section:

''OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE AGENCY

''SEC. 705. (a) EXEMPTION OF OPERATIONAL FILES.—The Director of the Defense Intelligence Agency, in coordination with the Director of National Intelligence, may exempt operational files of the Defense Intelligence Agency from the provisions of section 552 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

''(b) OPERATIONAL FILES DEFINED.—(1) In this section, the term 'operational files' means—

''(A) files of the Directorate of Human Intelligence of the Defense Intelligence Agency (and any successor organization of that directorate) that document the conduct of foreign intelligence or counterintelligence operations or intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services; and

''(B) files of the Directorate of Technology of the Defense Intelligence Agency (and any successor organization of that directorate) that document the means by which foreign intelligence or counterintelligence is collected through technical systems.

''(2) Files that are the sole repository of disseminated intelligence are not operational files.

''(c) SEARCH AND REVIEW FOR INFORMATION.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive Order, or Presidential directive, in the conduct of an intelligence activity:

''(A) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

''(B) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office of General Counsel of the Department of Defense or of the Defense Intelligence Agency.

''(F) The Office of Inspector General of the Department of Defense or of the Defense Intelligence Agency.

''(G) The Office of the Director of the Defense Intelligence Agency.

''(d) INFORMATION DERIVED OR DISSEMINATED FROM EXEMPTED OPERATIONAL FILES.—(1) Files that are not exempted under subsection (a) and contain information derived or disseminated from exempted operational files shall be subject to search and review.

''(2) The inclusion of information from exempted operational files in files that are not exempted under subsection (a) shall not affect the exemption under subsection (a) of the originating operational files from search, review, publication, or disclosure.

''(3) The declassification of some of the information contained in exempted operational files shall not affect the status of the operational file as being exempt from search, review, publication, or disclosure.

''(4) Records from exempted operational files that have been disseminated to and referenced in files that are not exempted under subsection (a) and that have been returned to exempted operational files for sole retention shall be subject to search and review.

''(e) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as

provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, alleges that the Defense Intelligence Agency has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(2) Judicial review shall not be available in the manner provided under paragraph (1) as follows:

''(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign relations which is filed with, or produced for, the court by the Defense Intelligence Agency, such information shall be examined ex parte, in camera by the court.

''(B) The court shall determine, to the fullest extent practicable, issues of fact based on sworn written submissions of the parties.

''(C) When a complainant alleges that requested records were improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

''(D)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Defense Intelligence Agency shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in subsection (b).

''(ii) The court may not order the Defense Intelligence Agency to review the content of any exempted operational file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Defense Intelligence Agency's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(E) In proceedings under subparagraphs (C) and (D), the parties shall not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admission may be made pursuant to rules 26 and 36.

''(F) If the court finds under this subsection that the Defense Intelligence Agency has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order the Defense Intelligence Agency to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section (other than subsection (f)).

''(G) If at any time following the filing of a complaint pursuant to this paragraph the Defense Intelligence Agency agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint; and

''(H) Any information filed with, or produced for the court pursuant to subparagraphs (A) and (D) shall be coordinated with the Director of National Intelligence before submission to the court.

''(f) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of the Defense Intelligence Agency and the Director of National Intelligence shall review the exemptions in force under subsection (a) to determine whether such exemptions may be removed from a category of exempted files or any portion thereof. The Director of National Intelligence must approve any determinations to remove such exemptions.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that the Defense Intelligence Agency has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether the Defense Intelligence Agency has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of this section or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether the Defense Intelligence Agency, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.''.

(2) The table of contents for that Act is amended by inserting after the item relating to section 704 the following new item:

''Sec. 705. Operational files of the Defense Intelligence Agency.''.

(b) SEARCH AND REVIEW OF CERTAIN OTHER OPERATIONAL FILES.—The National Security Act of 1947 is further amended—

(1) in section 702(a)(3)(C) (50 U.S.C. 432(a)(3)(C)), by adding the following new clause:

''(vi) The Office of the Inspector General of the National Geospatial-Intelligence Agency.'';

(2) in section 703(a)(3)(C) (50 U.S.C. 432a(a)(3)(C)), by adding at the end the following new clause:

''(vii) The Office of the Inspector General of the NRO.''; and

(3) in section 704(c)(3) (50 U.S.C. 432b(c)(3)), by adding at the end the following subparagraph:

''(H) The Office of the Inspector General of the National Security Agency.''.

SEC. 923. PROHIBITION ON IMPLEMENTATION OF CERTAIN ORDERS AND GUIDANCE ON FUNCTIONS AND DUTIES OF THE GENERAL COUNSEL AND THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE.

No funds authorized to be appropriated by this Act may be obligated or expended to implement or enforce either of the following:

(1) The order of the Secretary of the Air Force dated May 15, 2003, and entitled ''Functions and Duties of the General Counsel and the Judge Advocate General''.

(2) Any internal operating instruction or memorandum issued by the General Counsel of the Department of the Air Force in reliance upon the order referred to in paragraph (1).

SEC. 924. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2117. United States Military Cancer Institute

''(a) ESTABLISHMENT.—(1) There is a United States Military Cancer Institute in the University. The Director of the United States Military Cancer Institute is the head of the Institute.

''(2) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for participation in the Institute.

''(3) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

''(b) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

''(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins.

''(B) The prevention and early detection of cancer.

''(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

''(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

''(c) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (b) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

''(d) ANNUAL REPORT.—(1) Promptly after the end of each fiscal year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the results of the research studies carried out under subsection (b).

''(2) Not later than 60 days after receiving the annual report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2117. United States Military Cancer Institute.''.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) AGGREGATE LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the Senate to accompany its report on the bill S. 1042 of the One Hundred Ninth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2006.

(a) FISCAL YEAR 2006 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2006 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2005, of funds appropriated for fiscal years before fiscal year 2006 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $763,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $238,364,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1004. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS RELATING TO LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by titles I, II, and III is the amount equal to the sum of all the amounts authorized to be appropriated by such titles reduced by $1,300,000,000.

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the annual review of the budget conducted by the Congressional Budget Office.

(c) ALLOCATION OF REDUCTION.—The Secretary of Defense shall allocate the reduction required by subsection (a) among the amounts authorized to be appropriated for accounts in titles I, II, and III to reflect the extent to which net savings from lower-than-expected inflation are allocable to amounts authorized to be appropriated to such accounts.

SEC. 1005. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2005.

Amounts authorized to be appropriated to the Department of Defense and the Department of Energy for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to title I or chapter 2 of title IV of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

SEC. 1006. INCREASE IN FISCAL YEAR 2005 TRANSFER AUTHORITY.

Section 1001(a)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2034) is amended by striking ''$3,500,000,000'' and inserting ''$6,185,000,000''.

SEC. 1007. MONTHLY DISBURSEMENT TO STATES OF STATE INCOME TAX VOLUNTARILY WITHHELD FROM RETIRED OR RETAINER PAY.

Section 1045(a) of title 10, United States Code, is amended—

(1) by striking ''quarter'' the first place it appears and inserting ''month''; and

(2) by striking ''during the month following that calendar quarter'' and inserting ''during the following calendar month''.

SEC. 1008. REESTABLISHMENT OF LIMITATION ON PAYMENT OF FACILITIES CHARGES ASSESSED BY DEPARTMENT OF STATE.

(a) COSTS OF GOODS AND SERVICES PROVIDED TO DEPARTMENT OF STATE.—Funds appropriated for the Department of Defense may be transferred to the Department of State as remittance for a fee charged to the Department of Defense by the Department of State for any year for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount charged (when added to other amounts previously so charged for that fiscal year) exceeds the total amount of the unreimbursed costs incurred by the Department of Defense during that fiscal year in providing goods and services to the Department of State.

(b) CONSTRUCTION OF LIMITATION.—The provisions of subsection (a) shall be applicable without regard to the following provisions of law:

(1) The provisions of subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999, as added by section 629 of division B of Public Law 108–447 (118 Stat. 2920; 22 U.S.C. 4865 note).

(2) The provisions of section 630 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (division B of Public Law 108–447 (118 Stat. 2921)).

(c) EFFECTIVE DATE.—This section shall take effect as of October 1, 2005.

Subtitle B—Naval Vessels and Shipyards

SEC. 1021. TRANSFER OF BATTLESHIPS.

(a) TRANSFER OF BATTLESHIP WISCONSIN.—The Secretary of the Navy is authorized—

(1) to strike the Battleship U.S.S. WISCONSIN (BB–64) from the Naval Vessel Register; and

(2) subject to section 7306 of title 10, United States Code, to transfer the vessel by gift or otherwise provided that the Secretary requires, as a condition of transfer, that the transferee locate the vessel in the Commonwealth of Virginia.

(b) TRANSFER OF BATTLESHIP IOWA.—The Secretary of the Navy is authorized—

(1) to strike the Battleship U.S.S. IOWA (BB–61) from the Naval Vessel Register; and

(2) subject to section 7306 of title 10, United States Code, to transfer the vessel by gift or otherwise provided that the Secretary requires, as a condition of transfer, that the transferee locate the vessel in the State of California.

(c) INAPPLICABILITY OF NOTICE AND WAIT REQUIREMENT.—Notwithstanding any provision of subsection (a) or (b), section 7306(d) of title 10, United States Code, shall not apply to the transfer authorized by subsection (a) or the transfer authorized by subsection (b).

(d) REPEAL OF SUPERSEDED REQUIREMENTS AND AUTHORITIES.—

(1) Section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421) is repealed.

(2) Section 1011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2118) is repealed.

SEC. 1022. CONVEYANCE OF NAVY DRYDOCK, JACKSONVILLE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Atlantic Marine Property Holding Company (in this section referred to as the ''Company'') all right, title, and interest of the United States in and to Navy Drydock No. AFDM 7 (the SUSTAIN), located in Duval County, Florida. The Company is the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the drydock remain at the facilities of the Company until September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Company shall pay the Secretary an amount equal to the fair market value of the drydock as determined by 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.

Subtitle C—Counterdrug Matters

SEC. 1031. USE OF UNMANNED AERIAL VEHICLES FOR UNITED STATES BORDER RECONNAISSANCE.

(a) IN GENERAL.—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 383. Use of unmanned aerial vehicles for United States border reconnaissance

''(a) IN GENERAL.—The Secretary of Defense is authorized to use Department of Defense personnel and equipment to conduct aerial reconnaissance within the area of responsibility of the United States Northern

Command with unmanned aerial vehicles in order to conduct, for the purposes specified in subsection (b), the following:

''(1) The detection and monitoring of, and communication on, the movement of air and sea traffic along the United States border.

''(2) The detection and monitoring of, and communication on, the movement of surface traffic that is—

''(A) outside of the geographic boundary of the United States; or

''(B) inside the United States, but within not more than 25 miles of the geographic boundary of the United States, with respect to surface traffic first detected outside the geographic boundary of the United States.

''(b) PURPOSES OF AUTHORIZED ACTIVITIES.—The purposes of activities authorized by subsection (a) are as follows:

''(1) To detect and monitor suspicious air, sea, and surface traffic.

''(2) To communicate information on such traffic to appropriate Federal law enforcement officials, State law enforcement officials, and local law enforcement officials.

''(c) FUNDS.—Amounts available to the Department of Defense for counterdrug activities shall be available for activities authorized by subsection (a).

''(d) LIMITATIONS.—Any limitations and restrictions under this chapter with respect to the use of personnel, equipment, and facilities under this chapter shall apply to the exercise of the authority in subsection (a).

''(e) ANNUAL REPORTS ON USE OF UNMANNED AERIAL VEHICLES.—(1) The Secretary of Defense shall submit to the congressional defense committees each year a report on the operation of unmanned aerial vehicles along the United States border under this section during the preceding year. Each report shall include, for the year covered by such report, the following:

''(A) A description of the aerial reconnaissance missions carried out along the United States border by unmanned aerial vehicles under this section, including the total number of sorties and flight hours.

''(B) A statement of the costs of such missions.

''(C) A statement of the number of times data collected by the Department of Defense from such missions was communicated to other authorities of the Federal Government or to State or local authorities.

''(2) A report is not required under this subsection for a year if no operations of unmanned aerial vehicles along the United States border occurred under this section during such year.

''(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

''(f) DEFINITIONS.—In this section:

''(1) The term 'suspicious air, sea, and surface traffic' means any air, sea, or surface traffic that is suspected of illegal activities, including involvement in activities that would constitute a violation of any provision of law set forth in or described under section 374(b)(4)(A) of this title.

''(2) The term 'State law enforcement officials' includes authorized members of the National Guard operating under authority of title 32.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 18 of such title is amended by adding at the end the following new item:

''383. Use of unmanned aerial vehicles for United States border reconnaissance.''.

SEC. 1032. USE OF COUNTERDRUG FUNDS FOR CERTAIN COUNTERTERRORISM OPERATIONS.

(a) AUTHORITY TO USE FUNDS.—In conjunction with counterdrug activities authorized by law, the Secretary of Defense may use funds authorized to be appropriated to the Department of Defense for drug interdiction and counterdrug activities in fiscal years 2006 and 2007 for the detection, monitoring, and interdiction of terrorists, terrorism-related activities, and other related transnational threats along the borders and within the territorial waters of the United States.

(b) CONSTRUCTION WITH OTHER AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided in section 124 of title 10, United States Code.

SEC. 1033. SUPPORT FOR COUNTER-DRUG ACTIVITIES THROUGH BASES OF OPERATION AND TRAINING FACILITIES IN AFGHANISTAN.

In providing support for counterdrug activities under section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note), the Secretary of Defense may, in accordance with a request under subsection (a) of such section, provide through or utilizing bases of operation or training facilities in Afghanistan—

(1) any type of support specified in subsection (b) of such section for counter-drug activities; and

(2) any type of support for counter-drug related Afghan criminal justice activities.

Subtitle D—Reports and Studies

SEC. 1041. MODIFICATION OF FREQUENCY OF SUBMITTAL OF JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

(a) SUBMITTAL OF JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.—Section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note) is amended by striking ''(a) ANNUAL PLAN REQUIRED.—On March 1 of each year,'' and inserting ''Not later than March 1 of each year through 2006, and March 1 every two years thereafter,''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''**ANNUAL**''.

SEC. 1042. REVIEW AND ASSESSMENT OF DEFENSE BASE ACT INSURANCE.

(a) IN GENERAL.—The Secretary of Defense shall, in coordination with the Director of the Office of Management and Budget and appropriate officials of the Department of Labor, the Department of State and the United States Agency for International Development, review current and future needs, options, and risks associated with Defense Base Act insurance.

(b) MATTERS TO BE ADDRESSED.—The review under subsection (a) shall address the following matters:

(1) Cost-effective options for acquiring Defense Base Act insurance.

(2) Methods for coordinating data collection efforts among agencies and contractors on numbers of employees, costs of insurance, and other information relevant to decisions on Defense Base Act insurance.

(3) Improved communication and coordination within and among agencies on the implementation of Defense Base Act insurance.

(4) Actions to be taken to address difficulties in the administration of Defense Base Act insurance, including on matters relating to cost, data, enforcement, and claims processing.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the review under subsection (a). The report shall set forth the findings of the Secretary as a result of the review and such recommendations, including recommendations for legislative or administrative action, as the Secretary considers appropriate in light of the review.

(d) DEFENSE BASE ACT INSURANCE DEFINED.—In this section, the term ''Defense Base Act insurance'' means workers' compensation insurance provided to contractor employees pursuant to the Defense Base Act (42 U.S.C. 1651 et seq.).

SEC. 1043. COMPTROLLER GENERAL REPORT ON CORROSION PREVENTION AND MITIGATION PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than April 1, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the effectiveness of the corrosion prevention and mitigation programs of the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the document of the Department of Defense entitled ''Long-Term Strategy to Reduce Corrosion and the Effects of Corrosion on the Military Equipment and Infrastructure of the Department of Defense'', dated November 2004.

(2) An assessment of the adequacy for purposes of the strategy set forth in that document of the funding requested in the budget of the President for fiscal year 2006, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, and the associated Future-Years Defense Program under section 221 of title 10, United States Code.

(3) An assessment of the adequacy and effectiveness of the organizational structure of the Department of Defense in implementing that strategy.

(4) An assessment of the progress made as of the date of the report in establishing throughout the Department common metrics, definitions, and procedures on corrosion prevention and mitigation.

(5) An assessment of the progress made as of the date of the report in establishing a baseline estimate of the scope of the corrosion problems of the Department.

(6) An assessment of the extent to which the strategy of the Department on corrosion prevention and mitigation has been revised to incorporate the recommendations of the October 2004 Defense Science Board report on corrosion control.

(7) An assessment of the implementation of the corrosion prevention and mitigation programs of the Department during fiscal year 2006.

(8) Recommendations by the Comptroller General for addressing any shortfalls or areas of potential improvement identified in the review for purposes of the report.

Subtitle E—Technical Amendments

SEC. 1051. TECHNICAL AMENDMENTS RELATING TO CERTAIN PROVISIONS OF ENVIRONMENTAL DEFENSE LAWS.

(a) DEFINITION OF ''MILITARY MUNITIONS''.—Section 101(e)(4)(B)(ii) of title 10, United States Code, is amended by striking ''explosives, and'' and inserting ''explosives and''.

(b) DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 2703(b) of such title is amended by striking '' 'unexploded ordnance', 'discarded military munitions', and'' and inserting '' 'discarded military munitions' and''.

Subtitle F—Military Mail Matters

SEC. 1061. SAFE DELIVERY OF MAIL IN THE MILITARY MAIL SYSTEM.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall promptly develop and implement a plan to ensure that the mail within the military mail system is safe for delivery.

(2) SCREENING.—The plan under this subsection shall provide for the screening of all mail within the military mail system in order to detect the presence in such mail of

biological, chemical, or radiological weapons, agents, or pathogens, or explosive devices, before such mail is delivered to its intended recipients.

(b) FUNDING FOR PLAN.—The budget justification materials that are submitted to Congress with the budget of the President for any fiscal year after fiscal year 2006, as submitted under section 1105(a) of title 31, United States Code, shall include a description of the amounts required in such fiscal year to carry out the plan under subsection (a).

(c) REPORT ON SAFETY OF MAIL FOR DELIVERY.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the safety of mail within the military mail system for delivery.

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of any existing deficiencies in the military mail system in ensuring that mail within such system is safe for delivery.

(B) The plan developed under subsection (a).

(C) An estimate of the time and resources required to implement the plan.

(D) A description of the delegation within the Department of Defense of responsibility for ensuring that mail within the military mail system is safe for delivery, including responsibility for the development, implementation, and oversight of improvements to that system in order to ensure the safety of such mail for delivery.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

(d) MAIL WITHIN THE MILITARY MAIL SYSTEM DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term ''mail within the military mail system''—

(A) means—

(i) any mail that is posted through the Military Post Offices (including Army Post Offices (APOs) and Fleet Post Offices (FPOs)), Department of Defense mail centers, military Air Mail Terminals, and military Fleet Mail Centers; and

(ii) any mail or package posted in the United States that is addressed to an unspecified member of the Armed Forces; and

(B) includes any official mail posted by the Department of Defense.

(2) EXCEPTION.—The term does not include any mail posted as otherwise described in paragraph (1) that has been screened for safety for delivery by the United States Postal Service before its posting as so described.

SEC. 1062. DELIVERY OF MAIL ADDRESSED TO ANY SERVICE MEMBER.

(a) PROGRAM OF DELIVERY OF MAIL.—The Secretary of Defense shall carry out a program under which mail and packages addressed to Any Service Member that are posted in the United States shall be delivered to deployed members of the Armed Forces overseas at or through such Army Post Offices (APOs) and Fleet Post Offices (FPOs) as the Secretary shall designate for purposes of the program.

(b) SCREENING OF MAIL.—In carrying out the program required by subsection (a), the Secretary shall take appropriate actions to ensure that the mail and packages covered by the program are screened in order to detect the presence in such mail and packages of biological, chemical, or radiological weapons, agents, or pathogens, or explosive devices, before such mail and packages are delivered to members of the Armed Forces.

(c) DISTRIBUTION.—The Secretary shall ensure that mail and packages delivered under the program required by subsection (a) are widely distributed on an equitable basis among all the Armed Forces in their overseas areas.

(d) OUTREACH.—

(1) IN GENERAL.—The Secretary shall, in collaboration with the Postmaster General, take appropriate actions to provide information to the public on the program required by subsection (a).

(2) OUTLETS.—Information shall be provided to the public under this subsection through Department of Defense facilities and communications outlets, Postal Service facilities, and such other means as the Secretary and the Postmaster General consider appropriate.

(e) ANY SERVICE MEMBER DEFINED.—In this section, the term ''Any Service Member'' means an undesignated or unspecified member of the Armed Forces (often addressed on mail or packages as ''Any American Service Member or Soldier''), rather than any particular or specified member of the Armed Forces.

Subtitle G—Other Matters

SEC. 1071. POLICY ON ROLE OF MILITARY MEDICAL AND BEHAVIORAL SCIENCE PERSONNEL IN INTERROGATION OF DETAINEES.

(a) POLICY REQUIRED.—The Secretary of Defense shall establish the policy of the Department of Defense on the role of military medical and behavioral science personnel in the interrogation of persons detained by the Armed Forces. The policy shall apply uniformly throughout the Armed Forces.

(b) REPORT.—Not later than March 1, 2006, the Secretary shall submit to the congressional defense committees a report on the policy established under subsection (a). The report shall set forth the policy, and shall include such additional matters on the policy as the Secretary considers appropriate.

SEC. 1072. CLARIFICATION OF AUTHORITY TO ISSUE SECURITY REGULATIONS AND ORDERS UNDER INTERNAL SECURITY ACT OF 1950.

Section 21(a) of the Internal Security Act of 1950 (Public Law 81–831; 64 Stat. 1005) is amended by inserting ''or military or civilian director'' after ''military commander''.

SEC. 1073. SUPPORT FOR YOUTH ORGANIZATIONS.

(a) SHORT TITLE.—This section may be cited as the ''Support Our Scouts Act of 2005''.

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Federal agency'' means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term ''youth organization''—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and

(ii) shall include—

(I) the Boy Scouts of America;

(II) the Girl Scouts of the United States of America;

(III) the Boys Clubs of America;

(IV) the Girls Clubs of America;

(V) the Young Men's Christian Association;

(VI) the Young Women's Christian Association;

(VII) the Civil Air Patrol;

(VIII) the United States Olympic Committee;

(IX) the Special Olympics;

(X) Campfire USA;

(XI) the Young Marines;

(XII) the Naval Sea Cadets Corps;

(XIII) 4-H Clubs;

(XIV) the Police Athletic League;

(XV) Big Brothers—Big Sisters of America; and

(XVI) National Guard Youth Challenge.

(2) IN GENERAL.—

(A) SUPPORT FOR YOUTH ORGANIZATIONS.—

(i) SUPPORT.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year. This clause shall be subject to the availability of appropriations

(ii) YOUTH ORGANIZATIONS THAT CEASE TO EXIST.—Clause (i) shall not apply to any youth organization that ceases to exist.

(iii) WAIVERS.—The head of a Federal agency may waive the application of clause (i) to any youth organization with respect to each conviction or investigation described under subclause (I) or (II) for a period of not more than 2 fiscal years if—

(I) any senior officer (including any member of the board of directors) of the youth organization is convicted of a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or

(II) the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds.

(B) TYPES OF SUPPORT.—Support described under this paragraph shall include—

(i) holding meetings, camping events, or other activities on Federal property;

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBOREES.—

(1) FINDINGS.—Congress makes the following findings:

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America's National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a ''tent city'' capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and

Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2554 of title 10, United States Code, is amended by adding at the end the following:

''(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

''(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

''(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

''(B) reports such a determination to the Congress in a timely manner, and before such support is not provided.''.

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting ''or (e)'' after ''subsection (a)''; and

(2) by adding at the end the following:

''(e) EQUAL ACCESS.—

''(1) DEFINITION.—In this subsection, the term 'youth organization' means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

''(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum.''.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

SEC. 1101. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

SEC. 1102. COMPENSATORY TIME OFF FOR NONAPPROPRIATED FUND EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

Section 5543 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(d) The Secretary of Defense may, on request of a Department of Defense employee paid from nonappropriated funds, grant such employee compensatory time off from duty instead of overtime pay for overtime work.''.

SEC. 1103. EXTENSION OF AUTHORITY TO PAY SEVERANCE PAYMENTS IN LUMP SUMS.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

SEC. 1104. CONTINUATION OF FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM ELIGIBILITY.

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) in clause (i), by striking ''October 1, 2006'' and inserting ''October 1, 2010''; and

(2) in clause (ii)—

(A) by striking ''February 1, 2007'' and inserting ''February 1, 2011''; and

(B) by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

SEC. 1105. PERMANENT AND ENHANCED AUTHORITY FOR SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.

(a) PERMANENT AUTHORITY FOR PROGRAM.—Section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended—

(1) in subsection (a)—

(A) by striking ''(1)''; and

(B) by striking paragraph (2); and

(2) by striking ''pilot'' each place it appears.

(b) ASSISTANCE UNDER PROGRAM.—Such section is further amended—

(1) in subsection (b)—

(A) by striking ''(b)'' and all that follows through ''a scholarship'' and inserting ''(b) ASSISTANCE.—(1) Under the program under this section, the Secretary of Defense may award a scholarship or fellowship'';

(B) in paragraph (1)(B), by inserting ''accredited'' before ''institution of higher education'';

(C) in paragraph (2)—

(i) by inserting ''or fellowship'' after ''scholarship'';

(ii) by inserting ''equipment expenses,'' after ''laboratory expenses,''; and

(iii) by striking the second sentence; and

(D) by adding at the end the following new paragraph:

''(3) Any assistance payable to a person under this subsection may be paid directly to the person awarded such assistance or to an administering entity that shall disburse such assistance to the person.''; and

(2) in subsection (c)(2)—

(A) by striking ''a scholarship'' and inserting ''financial assistance'';

(B) by striking ''the financial assistance provided under the scholarship'' and inserting ''such financial assistance''; and

(C) by striking ''the scholarship.'' and inserting ''such financial assistance.''.

(c) EMPLOYMENT OF PROGRAM PARTICIPANTS.—Such section is further amended—

(1) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (e), (f), (g), (h), and (i), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—(1) The Secretary of Defense may—

''(A) appoint or retain a person participating in the program under this section in a position on an interim basis during the period of such person's pursuit of a degree under the program and for a period not to exceed 2 years after completion of the degree, but only if, in the case of the period after completion of the degree—

''(i) there is no readily available appropriate permanent position for such person; and

''(ii) there is an active and ongoing effort to identify and assign such person to an appropriate permanent position as soon as practicable; and

''(B) if there is no appropriate permanent position available after the end of the periods described in subparagraph (A), separate such person from employment with the Department without regard to any other provision of law, in which event the service agreement of such person under subsection (c) shall terminate.

''(2) The period of service of a person covered by paragraph (1) in a position on an interim basis under that paragraph shall, after completion of the degree, be treated as a period of service for purposes of satisfying the obligated service requirements of the person under the service agreement of the person under subsection (c).''.

(d) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—Paragraph (1) of subsection (e) of such section, as redesignated by subsection (c)(1) of this section, is amended to read as follows:

''(1)(A) A participant in the program under this section who is not an employee of the Department of Defense and who voluntarily fails to complete the educational program for which financial assistance has been provided under this section, or fails to maintain satisfactory academic progress as determined in accordance with regulations prescribed by the Secretary of Defense, shall refund to the United States an appropriate amount, as determined by the Secretary.

''(B) A participant in the program under this section who is an employee of the Department of Defense and who—

''(i) voluntarily fails to complete the educational program for which financial assistance has been provided, or fails to maintain satisfactory academic progress as determined in accordance with regulations prescribed by the Secretary; or

''(ii) before completion of the period of obligated service required of such participant—

''(I) voluntarily terminates such participant's employment with the Department; or

''(II) is removed from such participant's employment with the Department on the basis of misconduct,

shall refund the United States an appropriate amount, as determined by the Secretary.''.

(e) CONFORMING AMENDMENTS.—

(1) Subsection (f) of such section, as redesignated by subsection (c)(1) of this section, is further amended by striking ''PILOT''.

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

''SEC. 1105. SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.''.

(3) Section 3304(a)(3)(B)(ii) of title 5, United States Code, is—

(A) by striking ''Scholarship Pilot Program'' and inserting ''Defense Education Program''; and

(B) by inserting ''(10 U.S.C. 2912 note)'' after ''for Fiscal Year 2005''.

SEC. 1106. INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE EMPLOYEES.

Section 1606(a) of title 10, United States Code, is amended by striking ''544'' and inserting ''the following:

''(1) In fiscal year 2005, 544.

''(2) In fiscal year 2006, 619.

''(3) In fiscal years after fiscal year 2006, 694.''.

SEC. 1107. STRATEGIC HUMAN CAPITAL PLAN FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to the appropriate committees of Congress a strategic plan to shape and improve the civilian employee workforce of the Department of Defense.

(2) The plan shall be known as the ''strategic human capital plan''.

(b) CONTENTS.—The strategic human capital plan required by subsection (a) shall include—

(1) a workforce gap analysis, including an assessment of—

(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A); and

(2) a plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals; and

(B) specific strategies for development, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies.

(c) INAPPLICABILITY OF CERTAIN LIMITATIONS.—The recruitment and retention of civilian employees to meet the goals established under subsection (b)(2)(A) shall not be subject to any limitation or constraint under statute or regulations on the end strength of the civilian workforce of the Department of Defense or any part of the workforce of the Department.

(d) ANNUAL UPDATES.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall update the strategic human capital plan required by subsection (a), as previously updated under this subsection.

(e) ANNUAL REPORTS.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall submit to the appropriate committees of Congress—

(1) the update of the strategic human capital plan prepared in such year under subsection (d); and

(2) the assessment of the Secretary, using results-oriented performance measures, of the progress of the Department of Defense in implementing the strategic human capital plan.

(f) COMPTROLLER GENERAL REVIEW.—(1) Not later than 90 days after the Secretary submits under subsection (a) the strategic human capital plan required by that subsection, the Comptroller General shall submit to the appropriate committees of Congress a report on the plan.

(2) Not later than 90 days after the Secretary submits under subsection (e) an update of the strategic human capital plan under subsection (d), the Comptroller General shall submit to the appropriate committees of Congress a report on the update.

(3) A report on the strategic human capital plan under paragraph (1), or on an update of the plan under paragraph (2), shall include the assessment of the Comptroller General of the extent to which the plan or update, as the case may be—

(A) complies with the requirements of this section; and

(B) complies with applicable best management practices (as determined by the Comptroller General).

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services and Government Reform of the House of Representatives.

SEC. 1108. COMPTROLLER GENERAL STUDY ON FEATURES OF SUCCESSFUL PERSONNEL MANAGEMENT SYSTEMS OF HIGHLY TECHNICAL AND SCIENTIFIC WORKFORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify the features of successful personnel management systems of the highly technical and scientific workforces of the Department of Defense laboratories and similar scientific facilities and institutions.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An examination of the flexible personnel management authorities, whether under statute or regulations, currently being utilized at Department of Defense demonstration laboratories to assist in the management of the workforce of such laboratories.

(2) An identification of any flexible personnel management authorities, whether under statute or regulations, available for use in the management of Department of Defense laboratories to assist in the management of the workforces of such laboratories that are not currently being utilized.

(3) An assessment of personnel management practices utilized by scientific and technical laboratories and institutions that are similar to the Department of Defense laboratories.

(4) A comparative analysis of the specific features identified by the Comptroller General in successful personnel management systems of highly technical and scientific workforces to attract and retain critical employees and to provide local management authority to Department of Defense laboratory officials.

(c) PURPOSES.—The purposes of the study shall include—

(1) the identification of the specific features of successful personnel management systems of highly technical and scientific workforces;

(2) an assessment of the potential effects of the utilization of such features by Department of Defense laboratories on the missions of such laboratories and on the mission of the Department of Defense as a whole; and

(3) recommendations as to the future utilization of such features in Department of Defense laboratories.

(d) LABORATORY PERSONNEL DEMONSTRATION AUTHORITIES.—The laboratory personnel demonstration authorities set forth in this subsection are as follows:

(1) The authorities in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

(2) The authorities in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by this section. The report shall include—

(1) a description of the study;

(2) an assessment of the effectiveness of the current utilization by the Department of Defense of the laboratory personnel demonstration authorities set forth in subsection (d); and

(3) such recommendations as the Comptroller General considers appropriate for the effective use of available personnel management authorities to ensure the successful personnel management of the highly technical and scientific workforce of the Department of Defense laboratories.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate; and

(2) the Committees on Armed Services, Appropriations, and Government Reform of the House of Representatives.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEARS 2006 AND 2007.—During fiscal year 2006 and fiscal year 2007, from funds made available to the Department of Defense for operation and maintenance for such fiscal year, not to exceed $500,000,000 may be used in each such fiscal year to provide funds—

(1) for the Commanders' Emergency Response Program; and

(2) for a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal-year quarter (beginning with the first quarter of fiscal year 2006), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(c) COMMANDERS' EMERGENCY RESPONSE PROGRAM DEFINED.—In this section, the term ''Commanders' Emergency Response Program'' means the program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people.

SEC. 1202. ENHANCEMENT AND EXPANSION OF AUTHORITY TO PROVIDE HUMANITARIAN AND CIVIC ASSISTANCE.

(a) INCREASE IN AUTHORIZED EXPENSES ASSOCIATED WITH DETECTION AND CLEARANCE OF LANDMINES.—Subsection (c)(3) of section 401 of title 10, United States Code, is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(b) INCLUSION OF ASSISTANCE ON COMMUNICATIONS AND INFORMATION INFRASTRUCTURE UNDER AUTHORITY.—Such section is further amended—

(1) in subsection (c)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) Expenses covered by paragraph (1) also include expenses incurred in providing communications or information systems equipment or supplies that are transferred or otherwise furnished to a foreign country in furtherance of the provision of other assistance under this section.''; and

(2) in subsection (e), by adding at the end the following new paragraph:

''(6) Restoring or improving the information and communications infrastructure of a country, including activities relating to the furnishing of education, training, and technical assistance with respect to information and communications technology.''.

(c) EXPANSION OF AUTHORITY TO PROVIDE MEDICAL, DENTAL, AND VETERINARY CARE.—Subsection (e)(1) of such section is amended by inserting before the period the following: '', including education, training, and technical assistance related to the care provided''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

SEC. 1203. MODIFICATION OF GEOGRAPHIC LIMITATION ON PAYMENT OF PERSONNEL EXPENSES UNDER BILATERAL OR REGIONAL COOPERATION PROGRAMS.

Section 1051(b)(1) of title 10, United States Code, is amended by striking ''within the area'' and all that follows through ''developing country is located'' and inserting ''to and within the area of responsibility of a unified combatant command (as such term is defined in section 161(c) of this title)''.

SEC. 1204. PAYMENT OF TRAVEL EXPENSES OF COALITION LIAISON OFFICERS.

(a) AUTHORITY TO PAY CERTAIN TRAVEL EXPENSES OF MILITARY OFFICERS ON COALITION MISSIONS.—Subsection (b) of section 1051a of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary may pay the travel expenses of a military officer of a developing country involved in coalition operations while temporarily assigned to the headquarters of a combatant command, component command, or subordinate operational command for the mission-related roundtrip travel of such officer, upon the direction of the commander of such command, from such headquarters to one or more locations specified by the commander of such command if such travel is determined to be in support of United States national interests.''.

(b) EXTENSION OF AUTHORITY TO PAY TRAVEL EXPENSES.—Subsection (e) of such section is amended by striking ''September 30, 2005'' and inserting ''September 30, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October, 1, 2005.

SEC. 1205. PROHIBITION ON ENGAGING IN CERTAIN TRANSACTIONS.

(a) APPLICATION OF IEEPA PROHIBITIONS TO THOSE ATTEMPTING TO EVADE OR AVOID THE PROHIBITIONS.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

''PENALTIES

''SEC. 206. (a) It shall be unlawful for—

''(1) a person to violate or attempt to violate any license, order, regulation, or prohibition issued under this title;

''(2) a person subject to the jurisdiction of the United States to take any action to evade or avoid, or attempt to evade or avoid, a license, order, regulation, or prohibition issued this title; or

''(3) a person subject to the jurisdiction of the United States to approve, facilitate, or provide financing for any action, regardless of who initiates or completes the action, if it would be unlawful for such person to initiate or complete the action.

''(b) A civil penalty of not to exceed $250,000 may be imposed on any person who commits an unlawful act described in paragraph (1), (2), or (3) of subsection (a).

''(c) A person who willfully commits, or willfully attempts to commit, an unlawful act described in paragraph (1), (2), or (3) of subsection (a) shall, upon conviction, be fined not more than $500,000, or a natural person, may be imprisoned not more than 10 years, or both; and any officer, director, or agent of any person who knowingly participates, or attempts to participate, in such unlawful act may be punished by a like fine, imprisonment, or both.''.

(b) PRODUCTION OF RECORDS.—Section 203(a)(2) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)(2)) is amended to read as follows:

''(2) In exercising the authorities granted by paragraph (1), the President may require any person to keep a full record of, and to furnish under oath, in the form of reports, testimony, answers to questions, or otherwise, complete information relative to any act or transaction referred to in paragraph (1), either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of such paragraph. The President may require by subpoena or otherwise the production under oath by any person of all such information, reports, testimony, or answers to questions, as well as the production of any required books of accounts, records, contracts, letters, memoranda, or other papers, in the custody or control of any person. The subpoena or other requirement, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.''.

(c) CLARIFICATION OF JURISDICTION TO ADDRESS IEEPA VIOLATIONS.—Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is further amended by adding at the end the following:

''(d) The district courts of the United States shall have jurisdiction to issue such process described in subsection (a)(2) as may be necessary and proper in the premises to enforce the provisions of this title.''.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2006 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2006 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $415,549,000 authorized to be appropriated to the Department of Defense for fiscal year 2006 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $78,900,000.

(2) For nuclear weapons storage security in Russia, $74,100,000.

(3) For nuclear weapons transportation security in Russia, $30,000,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $40,600,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $60,849,000.

(6) For chemical weapons destruction in Russia, $108,500,000.

(7) For defense and military contacts, $8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, $14,600,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2006 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2006 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2006 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (6) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. PERMANENT WAIVER OF RESTRICTIONS ON USE OF FUNDS FOR THREAT REDUCTION IN STATES OF THE FORMER SOVIET UNION.

Section 1306 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 22 U.S.C. 5952 note) is amended—

(1) by striking subsections (c) and (d); and

(2) by redesignating subsection (e) as subsection (c).

SEC. 1304. MODIFICATION OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.

(a) IN GENERAL.—Subsection (a) of section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) by striking ''the President may'' and inserting ''the Secretary of Defense may''; and

(2) by striking ''if the President'' and inserting ''if the Secretary of Defense, with the concurrence of the Secretary of State,''.

(b) AVAILABILITY OF FUNDS.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''The President'' and inserting ''The Secretary of Defense''; and

(B) by striking ''the President'' and inserting ''the Secretary of Defense, with the concurrence of the Secretary of State,''; and

(2) in paragraph (2)—

(A) by striking ''10 days after'' and inserting ''15 days before''; and

(B) by striking ''the President shall notify Congress'' and inserting ''the Secretary of Defense shall notify the congressional defense committees''.

SEC. 1305. REPEAL OF REQUIREMENT FOR ANNUAL COMPTROLLER GENERAL ASSESSMENT OF ANNUAL DEPARTMENT OF DEFENSE REPORT ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law

106–398; 114 Stat. 1654A–341) is amended by striking subsection (e).

SEC. 1306. REMOVAL OF CERTAIN RESTRICTIONS ON PROVISION OF COOPERATIVE THREAT REDUCTION ASSISTANCE.

(a) REPEAL OF RESTRICTIONS.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—

Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

TITLE XIV—AUTHORIZATION FOR SUPPLEMENTAL APPROPRIATIONS FOR IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERRORISM

SEC. 1401. PURPOSE.

The purpose of this title is to authorize supplemental appropriations for the Department of Defense for fiscal year 2006 for operations in Iraq, Afghanistan, and the global war on terrorism that are in addition to the amounts otherwise authorized to be appropriated for the Department of Defense by this Act.

SEC. 1402. DESIGNATION AS EMERGENCY AMOUNTS.

Amounts appropriated pursuant to the authorizations of appropriations in this title are designated as an emergency requirement pursuant to section 402(b) of the conference report to accompany H. Con. Res. 95 (109th Congress).

SEC. 1403. ARMY PROCUREMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement accounts of the Army in amounts as follows:

(1) For aircraft, $70,300,000.

(2) For weapons and tracked combat vehicles, $27,800,000.

(3) For other procurement $376,700,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (a)(3), $225,000,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Army shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Army has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts of the Navy in amounts as follows:

(1) For aircraft, $183,800,000.

(2) For weapons, including missiles and torpedoes, $165,500,000.

(3) For other procurement, $30,800,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for the Marine Corps in the amount of $429,600,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $104,500,000.

(d) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (b), $340,400,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Navy shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Marine Corps has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

SEC. 1405. AIR FORCE PROCUREMENT.

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, $104,700,000.

(2) For other procurement, $51,900,000.

SEC. 1406. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $22,139,775,000, of which $200,000,000 may be made available for linguistic support operations in Iraq and Afghanistan.

(2) For the Navy, $1,944,300,000.

(3) For the Marine Corps, $1,808,231,000.

(4) For the Air Force, $2,635,555,000.

(5) For Defense-wide activities, $3,470,118,000.

(6) For the Naval Reserve, $2,400,000.

SEC. 1407. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, the Defense Health Program, in the amount of $977,778,000, for operation and maintenance.

SEC. 1408. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2006 in amounts as follows:

(1) For military personnel of the Army, $9,517,643,000.

(2) For military personnel of the Navy, $350,000,000.

(3) For military personnel of the Marine Corps, $811,771,000.

(4) For military personnel of the Air Force, $916,559,000.

SEC. 1409. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the Iraq Freedom Fund in the amount of $3,880,270,000.

(b) LIMITATION ON AVAILABILITY OF CERTAIN AMOUNT.—Of the amount authorized to be appropriated by subsection (a), not less than $500,000,000 shall be available only for support of activities of the Joint Improvised Explosive Device Task Force.

(c) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until 5 days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account, and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1410. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) TRANSFER AUTHORIZED.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION ON AGGREGATE AMOUNT.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,500,000,000.

(3) CONSTRUCTION WITH OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) OTHER LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) NOTICE AND WAIT.—A transfer may be made under the authority of this section only after the Secretary—

(1) consults with the Chairmen and Ranking Members of each of the congressional defense committees with respect to such transfer; and

(2) on a date after consultation under paragraph (1), but not later than five days before the date of such transfer, submits to the congressional defense committees written notice of such transfer.

(d) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

Mr. WARNER. Mr. President, my understanding is that amendment 1955, as modified, is available to be brought up for consideration.

I now ask that the amendment be considered.

The PRESIDING OFFICER. The amendment is now pending.

Mr. WARNER. I ask for its consideration.

Mr. STEVENS. Mr. President, it is my understanding that the amendment that the Senator from Virginia, chairman of the Armed Services Committee, has offered is still the authorization bill from the Armed Services Committee, as modified.

May I inquire of the Senator, is that correct?

Mr. WARNER. Mr. President, that is correct.

Mr. STEVENS. Mr. President, that bill offered to this appropriations bill is a massive authorization bill offered as an amendment and, as such, it amounts to legislation on an appropriations bill.

Mr. WARNER. Mr. President, I am having some difficulty—because of the conversations taking place elsewhere in the Chamber—following the distinguished manager's remarks.

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. Mr. President, as modified, this is still the authorization bill being offered to an appropriations bill. It amounts to legislation on an appropriations bill—a substantial authorization, I might add. I feel it is a violation of rule XVI. Therefore, as chairman of this subcommittee, I make a point of order that this amendment offered by the Senator from Virginia is subject to the provisions of rule XVI, and I make that point of order very plainly. I ask that it be ruled to be authorization on an appropriations bill.

Mr. WARNER. Mr. President, at this time, I insert the defense of germaneness, and I ask for the yeas and nays.

The PRESIDING OFFICER. At this moment, there is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, pending before the Senate is a nondebatable question as to whether the pending Warner amendment is germane. I now ask consent that this question be temporarily set aside to recur Wednesday evening at 7:30.

Mr. WARNER. Mr. President, reserving the right to object, I do not intend to object, but I wish to advise the Members of the Senate the RECORD will reflect tomorrow the colloquy and actions taken by the distinguished managers and myself which gave rise to this amendment.

The Parliamentarian ruled with regard to my amendment as follows: We, the Parliamentarians, have advised that there is sufficient——

Mr. STEVENS. Will the Senator permit me to interrupt? The Parliamentarian has not ruled. The Parliamentarian has stated and advised that you have the defense of germaneness.

Mr. WARNER. Mr. President, the Senator is right. I said the Parliamentarians have advised—that is as I have read it, in the Parliamentarian's handwriting—there is sufficient language in the House bill to permit Senator WARNER to assert the defense of germaneness with respect to his amendment numbered 1955.

I did just that. I have acted consistently, having been working with the Parliamentarian through much of the day as to how to develop this procedure. I followed the rules as I understood them and advised the Parliamentarian.

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

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

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

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 2863: the Department of Defense appropriations bill.

Bill Frist, Ted Stevens, Daniel Inouye, Mel Martinez, Mitch McConnell, Bob Bennett, George Allen, Chuck Hagel, Tom Coburn, Richard Burr, Lisa Murkowski, John Thune, Lamar Alexander, Richard Shelby, Jon Kyl, Jeff Sessions, Saxby Chambliss.

Mr. FRIST. Mr. President, the unanimous consent request was to temporarily set aside the pending Warner amendment, the determination of whether it is germane, until 7:30 tomorrow evening. What that means, practically speaking, now that we have filed cloture as well, is we will continue on the Department of Defense appropriations bill; amendments, as they are brought to the Senate, will be debated and considered over the course of tomorrow, throughout the day; that the first vote that will be taken—we are not going to be voting until tomorrow evening—is on the issue of the germaneness of the Warner amendment. There are likely to be—in fact, there will be—other votes stacked after that depending on what comes forward tomorrow. We have two other amendments pending as well.

The cloture motion has been filed. That cloture vote would be on—today is Tuesday, then comes Wednesday—Thursday morning, which will allow us to complete the Department of Defense appropriations bill this week, as we have said all along.

One of the reasons we filed cloture tonight is to allow the full Senate to decide how best to proceed and to move forward so the preferences of Senators can be heard, listened to, and we can bring to closure this particular bill.

Mr. President, I will simply turn to my distinguished colleague from Virginia to allow him to make any statement, but that is the understanding we have had among both the chairman and ranking member of the Department of Defense appropriations bill, the leadership on both sides, and the chairman of the authorizing amendment that has been offered.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished leader. I thank him for working with me continuously on this matter in every way to try to get our bill up because the distinguished majority leader, as well as the Democratic leader and Senator LEVIN and others, thinks it is imperative, with this Nation at war, this bill be addressed in a timely manner by the Senate and hopefully passed. It contains so many provisions which are essential to the men and women of the Armed Forces.

I have continuously fought that battle and will continue to do so. I participated in the drafting of this UC in a manner that enables the Senate to continue its work tomorrow, although I could have objected throughout. I would not object to allowing the Senate to continue its business and the Appropriations Committee to work the bill as sent.

I also believe, as you have advised me, you will continue to work, as will the Democratic leader, to seek a UC by which the Defense authorization bill can be brought up as a freestanding measure, at a time agreed upon by the two leaders, with a certain description of provisions that enable us to bring it up and how that further work on the bill will be conducted and in what

timeframe. That is important to the two leaders. Hopefully, we can achieve that tomorrow. If we do, then I would take the appropriate parliamentary steps to remove from the appropriations bill these matters.

So I thank the two leaders and reiterate the essential nature of bringing this bill forward. I feel very strongly about it. And I thank my colleague from Alaska with whom I worked today. I am not suggesting—anyway, we worked it out, followed the rules, and that is it. I thank the leadership.

Mr. President, I yield the floor.

NOTICES OF INTENT

Mr. BIDEN. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill, H.R. 2863, the Department of Defense Appropriations Bill, the following amendment: Amendment no. 1999.

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

Mrs. LINCOLN. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing of my intention to move to suspend paragraph 4 rule XVI for the purpose of proposing to the bill, H.R. 2863, the Defense Appropriations bill, the following amendment: No. 2025.

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

MORNING BUSINESS

HONORING OUR ARMED FORCES

ARMY SPECIALIST ALLEN NOLAN

Mr. DEWINE. Mr. President, I rise today to pay tribute to Army SP Allen Nolan, from Marietta, OH, who was severely injured in Balad, Iraq, while serving in Operation Iraqi Freedom. He died from his injuries on September 30, 2004, at the Brook Army Medical Center in Houston, Texas. He was 38 years old.

Throughout Allen's life, he touched countless people. His family and close friends describe his loyalty and devotion to his family, his community, his church, and his country. Allen's strong religious faith was central to him. As Pastor Ray Witmer III, of Faith Bible Church in Williamstown, OH, where Allen and his family were members, said this about Allen:

> The phrase that keeps coming to mind—words that Allen actually had said many times—is that he is a father, husband, son, soldier, and foremost, a Christian.

Allen Nolan was all of those things—and more. Robin Nolan described her brother-in-law as a ''strong family man who enjoyed hunting and fishing.'' She said that ''he was always willing to help out. When my husband was ill last winter, he was such a big help. He was a very, very good brother and father.''

Allen Nolan graduated from Warren High School and received an associate degree in business from Washington County Technical College. Later, he attended The Ohio State University and Ohio Valley College, where he earned a bachelor's degree in organizational management. He eventually went on to work for Broughton Foods in Marietta and Century 21 Realty.

Allen loved his family more than anything else in the world. He and his devoted wife, Gail, were the proud parents of five children—Roman, Kennan, Euanna, Bobby, and Frankie. Allen was a terrific father—caring, committed, and supportive of his young family. He protected Gail and his children as a husband and father—and also as a soldier.

Allen loved his country and felt a duty to protect it and make it a better place for his family. He served in the Army Reserves for seven years as a member of the 660th Transportation Company based out of Zanesville, Ohio. As one of the more experienced members of his unit, Allen took it upon himself to mentor the younger soldiers.

Dan Johnson, a close friend in his unit, described Allen as a ''completely selfless individual. He would drop anything to help someone. He talked about his family all the time. I feel very lucky that I had the chance to know him and to work with him.'' Johnson further emphasized, ''What I remember most about Allen is that he always had a 'can do' attitude. I never heard him complain or gripe about anything. We got to be close friends.''

SP Robert Lovell, who served with Allen since 1997, also cherished their friendship, saying the following:

> Allen was always the first to volunteer. He was deeply committed to his religion. What I miss most about Allen is that he was always there if you needed help or counsel. Allen was one of my best friends and has been since we first met.

BG Michael W. Beasley, commanding general of the 88th Regional Readiness Command, RRC, said that ''Allen was a wonderful soldier. He frequently volunteered for the most complex and difficult missions. He was also an excellent mentor and trainer of the younger soldiers.'' Other men in his company described how he would lead them in prayer before going out on a mission. They talked about how much comfort that gave them.

Not surprisingly, though just three months away from retiring from the Reserves when his unit was deployed to Iraq in February 2004, Allen did not hesitate to fulfill his duty. He and Gail both considered the war in Iraq an integral part of the war on terror. Allen believed he had a mission to carry out and was ready and willing to do whatever was necessary—whatever was needed.

Allen had been in Iraq 9 months, when he was scheduled to return home for 2 weeks on September 20, 2004. However, he was injured on September 18 when the fuel truck that he was driving north of Baghdad was struck by an improvised explosive device and came under a missile attack and a small arms fire. Allen was first evacuated to the 31st combat support hospital in Baghdad and then to Landstuhl Regional Medical Center in Germany. A burn team later transported him to Brook Army Medical Center in Texas, where he died on September 30, following a second surgery.

Thankfully, Allen was able to spend his last days and hours surrounded by loved ones. Gail and their oldest son, Roman, were able to be with him at the hospital. Gail's close friend, Karmen Lockhart, said that ''we knew so many people praying for Allen, but God didn't answer our prayers the way we wanted. But, I believe he answered Allen's prayers, not to take other soldiers, but to take him. I believe he gave his life so others could be saved.''

Pastor Witmer was also able to be with the Nolans at the Army hospital in Texas. Pastor Witmer said that ''Allen was sure of his eternity.'' His unshakable faith is what allowed him to give so generously of himself and make that ultimate sacrifice.

Young children often have a way of putting even the most tragic of events into perspective for us. After learning of his father's death, Allen and Gail's son Kennan, who was nine years old at the time, said this about his father: ''The Lord must have needed him more than I did.'' In those simple, selfless words, this little boy is saying so much. His father would be very proud.

Appropriately, Allen was remembered in a beautiful funeral service held at the Faith Bible Church, the center of his spiritual life. Nearly 500 people attended the service. Allen received five medals posthumously: The Purple Heart, the Bronze Star, the Meritorious Service Medal, the Army Commendation Medal, and the Good Conduct Medal. His medals were presented to Gail at his funeral, which included full military honors.

When I think about the life of Army SP Allen Nolan, I am reminded of something tennis great, Arthur Ashe, once said about what it means to be a hero. He said that ''true heroism is remarkably sober—very undramatic. It is not the urge to surpass all others at whatever cost, but the urge to serve others at whatever cost.'' That's Allen Nolan. He was a noble man willing to serve others—his family, his fellow soldiers, his country—at whatever cost. And for that, we will never forget him.

I know that Allen's family and friends will forever cherish the memory of their son, brother, husband, and father, whose love knew no bounds. They all remain in our thoughts and prayers.

ARMY CORPORAL KEVIN W. PRINCE

Mr. President, this afternoon I also wish to honor and to remember a fellow Ohioan and a brave soldier. Army CPL Kevin W. Prince, of Plain City, OH, was killed on April 23, 2005, when a homemade bomb detonated under his Humvee. Corporal Prince was on patrol in Iskandariyah, Iraq. At the time of his death, He was 22 years old.

Kevin was born on July 13, 1982, in Canton, OH, to loving parents, Ronald and Susan Prince. When he was 2 years old, his family moved to Plain City, where he grew up. As a youth, Kevin worked part time in his parent's restaurant, the ''Main Street Bagel and Deli, and attended Alder High School, where he played soccer and ran cross country. Principal Phil Harris remembers Kevin as a decent young man, who was honest and caring. He was always standing up for the underdogs—the kids who were being picked on or bullied. He made sure they were okay—that they were protected.

Inside and outside of school, Kevin lived life to the fullest. He enjoyed reading, watching movies, running, and playing video games. Kevin also enjoyed playing soccer, something he had done since the age of 5. His grandfather tells a story about one of Kevin's earliest matches. Kevin had the ball and was running down the field—but in the wrong direction. Kevin's grandfather shouted at him to turn around, which he did, but only long enough to shout ''Be quiet, Grampa!'' He kept on running down the field—the wrong way. Evidently, Kevin had a bit of stubborn streak.

After graduating from high school, Kevin decided to join the military. He planned to attend college when his term of service ended. His father, a Navy veteran, tried his best to convince Kevin to become a fellow sailor, but Kevin refused. He wanted to be a soldier, and so, in 2001, he enlisted in the Army.

Kevin went through boot camp at Fort Benning, GA, where he finished in October 2002. By January 2003, he was sent to Fort Irwin, CA, where he joined the Army's 2nd Division, 11th Armored Cavalry, Echo Troop. At Fort Irwin, Kevin trained other soldiers in the extreme conditions of the Mojave Desert to prepare them for the heat and dust of Iraq's deserts.

On January 9, 2005, Kevin's unit was deployed to Iraq, where they patrolled the area south of Baghdad. Months after Kevin arrived in Iraq, he began April 23 like any other day. He called home and spoke to his parents. He chatted with his sister and brother over the Internet. Only a few hours later, a roadside bomb detonated under his vehicle. In that tragic moment, the Prince family lost their youngest son, and the United States lost a very courageous soldier.

CPL Kevin Prince was more than just a good soldier. He was a good citizen. He was a good friend. Chris Holehouse, a close friend of Kevin's, spoke of his honesty, selflessness, and integrity:

His handshake was his word. If he found $2,000 in a wallet, he'd give it back. He was not like anybody else. He wasn't apathetic to what was going on. He wasn't lazy, and he wasn't selfish; he was dependable. He reminded me of those books about Camelot. He reminded me of one of those guys.

Just as he had in high school, Kevin fought bullying wherever he found it, even at Fort Irwin. After Kevin's death, a friend from Fort Irwin wrote a brief memorial for the guy who looked out for him and became his friend:

My name is Specialist Nathan Stern. I met Kevin when I first arrived at Fort Irwin. Being a brand new [Private] mechanic, I naturally got a hard time from a lot of the infantry guys. Kevin didn't [give me a hard time]. He helped me out a lot. We became friends over time and hung out outside of work every now and then. Kevin was a rare person to find, and I will miss him.

Kevin joined the Army to help make the world a better place. And in so many ways, he did just that. Those who knew Kevin all say he hated bullies. In high school, he stood up for his schoolmates. In the Army, he stood up for all of us. He fought for the blessings we sometimes take for granted and the principles and ideals on which our Nation was founded. He fought for it all, and he gave us his all.

Today, we honor Kevin Prince. We will remember him always.

My wife, Fran, and I continue to keep Kevin's many friends and family—especially his parents, Ronald and Susan; his sister Kelly; and his brother Jason—in our thoughts and in our prayers.

ARMY 1LT AARON SEESAN

Mr. President, I also wish to honor a fellow Ohioan and brave soldier. Army First Lieutenant Aaron Seesan of Massillon, OH, was gravely injured on May 21, 2005, when his vehicle struck a roadside bomb near Mosul, Iraq. Having survived the immediate blast, he was transported to a hospital in Germany, where he passed away a short time later. Aaron was 24 years old.

Aaron's dedication and sacrifice knew no bounds. As he lay mortally wounded in the moments following the explosion, he thought not of himself, but of his fellow soldiers around him. Instead of calling out for help, he ordered his troops to tend to other injured soldiers. Those who witnessed First Lieutenant Seesan's incredible act of bravery remember his words: ''Take charge Sergeant Arnold, and take care of the others.'' This last act of selflessness defined Aaron's character, his heroism, his courage.

Aaron attended Massillon Washington High School where he was a member of the National Honor Society, earned several scholarships, and became a delegate to Buckeye Boys State. He played on the offensive line for the Tigers football team, and threw the shot put in track. He also participated in the drama program, Academic Challenge, and the speech team. Aaron was, indeed, a very accomplished young man.

After high school, he enrolled in the U.S. Merchant Marine Academy. At the Academy, Aaron was a member of the rifle team and served on the school's honor board, which he chaired his senior year. In 2003, the day he graduated with a degree in marine systems engineering, Aaron was commissioned as a second lieutenant in the U.S. Army.

Once in the Army, Aaron volunteered to go to Iraq. He didn't have to go. He wanted to go. He joined the 73rd Engineering Company, 1st Brigade, 24th Regiment—a unit that had sustained numerous casualties. Aaron explained to his father that most other soldiers of his rank have families, and that he—as a single man—should go in their place. Aaron went to Iraq so that someone he would never meet could stay home with his or her family. That is just how Aaron saw the world. To him, this was simply the right thing to do.

The other members of the 73rd sometimes joked about Aaron's maritime background. They tell a story about how during live fire exercises, Aaron once yelled ''man overboard,'' instead of ''man down'' after a mock casualty fell. Though they liked to joke and kid around, his fellow soldiers never questioned Aaron's resolve or his dedication to his service.

Not surprisingly, while in Iraq, Aaron took on one of the riskiest jobs. As a combat engineer, or sapper, he patrolled the most dangerous roads in and around Mosul. While most soldiers did their best to avoid roadside bombs, Aaron Seesan looked for them. He was part of a Stryker brigade that searched for improvised explosive devices along roadways. At a memorial service, LTC Eric Kurilla, commanding officer of the 24th regiment, spoke of the inherent risks involved with what Aaron was doing:

A Stryker IED Sweep, by its very name, implies great danger and risk. You are traveling the most heavily mined and bombed roads in Iraq, not trying to avoid the mines and bombs, but actually trying to find them. Why? So that others can travel safely without fear of attack.

Without ever giving it a second thought, Aaron went out and did his job to protect others. As SGT John Pavlick, also of the 73rd, said, ''[Aaron] fully knew he was walking into a mess. That says a lot about him.'' Indeed, it does.

On May 22, 2005, our country lost a brave soldier and Aaron's family lost a loving son and brother. Just hours before he went on his last late night explosives sweep, Aaron waited in line until nearly midnight to make a phone call home to his family. One last time, Aaron teased his two sisters and spoke with his parents. His last words to his mother were simply, ''I love you.''

Upon his death, Aaron posthumously received the Purple Heart, Bronze Star, and Army Commendation Medal. His father, Tom, knows that Aaron died fulfilling a dream. He knows that Aaron wanted more than anything to protect his community and country as a soldier. As he said, ''[Aaron] always was interested in the military from a small boy. This was always something that he wanted to do. He died doing something he wanted to do.''

Tom Heitger, Aaron's good friend since kindergarten, echoed that sentiment, saying this about Aaron's sacrifice:

The military was all he ever wanted; it was his dream. He was a very hard working man. It has been both an honor and a privilege to call this man my friend, and I'm very proud of him, He made the ultimate sacrifice.

As I conclude my remarks, I would like to share the heartfelt words of one of Aaron's fellow soldiers, PVT BriAnne Ackerson. In an email message posted to an Internet tribute in Aaron's honor, she wrote the following to Aaron's family:

Aaron Seesan was an amazing officer. I knew him well. As I served near him in Iraq and became a good friend of his in Kuwait, I realized the potential he had to become such a wonderful officer. He cared so much for so many. He was always asking questions, always wanting to know more. He always smiled and did his job to the tee. Aaron will be missed terribly by so many. . . . I hope this letter brings you blessings. I really miss your son. . . . He meant a lot to me. God Bless all of you.

Aaron Seesan joined the Army to protect his country. He volunteered to go to Iraq to protect families he never met. And, he de-mined roads in Iraq to protect the men and women serving alongside him. He never stopped giving, even during the last moments of his life.

Our Nation has lost a truly courageous and selfless young man. May his memory endure and inspire greatness in others.

My wife Fran and I continue to keep Kevin's mom and dad and his sisters and brother in our thoughts and in our prayers.

ARMY SSG RICHARD MORGAN, JR.

Mr. President, I also wish to pay tribute to a fellow Ohioan and dedicated soldier who lost his life while serving in Operation Iraqi Freedom. I honor and remember the life of Army SSG Richard Morgan, Jr.

When I think about the dedication of all our men and women in uniform, I am reminded of something President Ronald Reagan once said about our obligation to protect freedom. He said this:

For with the privilege of living in . . . America . . . there is a destiny and a duty, a call to preserve and hold in sacred trust mankind's age-old aspirations of peace and freedom and a better life for generations to come.

Richard Morgan, Jr., answered the call to preserve freedom. He fought for peace. And, he made the world a better place for future generations.

Rik—as Richard was known to family and friends—was born in Dayton, OH, on December 20, 1965. He attended St. Clairsville High School, where he was one of the original members of the St. Clairsville Singers and played on the Red Devil football team. After graduation in 1984, Rik briefly worked at Conway Central Express in Uhrichsville, OH, before joining the Army, something his friends say he always wanted to do.

Rik loved Army life. He was a dedicated and dependable soldier. He participated in Operation Just Cause in Panama from 1989 to 1990, and served in the Middle East during Operation Desert Storm. While he was certainly proud to serve and to protect and defend freedom, Rik would undoubtedly say that one of the best things that came about from his time in the Army wasn't so much about his service, but about meeting the love of his life, Diana.

Diana and Rik met while he was serving in Germany almost 20 years ago. They fell deeply in love. Friends say they were meant for each other. Rik and Diana eventually married and had two wonderful children, Richard and Kimberly, whom they raised in Maynard, OH.

Rik and his family were living in Maynard when the war in Iraq began. Having spent a few years out of the full time service as a retired Reservist, he did not want to sit on the sidelines. Rik re-enlisted in the Army, and with the same excitement he had when he first enlisted so many years before.

Rik's sister, Bonita Girty, said this about Rik's re-enlistment:

He just loved what he did. He wanted to go back. . . . I don't think anyone could stop him from going. . . . He just liked fighting for his country.

Rik's friends agreed. They said he ''loved his country and wanted nothing more than to serve and protect it.'' He was assigned to the 660th Transportation Company of the U.S. Army Reserves, based in Cadiz, OH. He started serving in Iraq in December 2003. Though thousands of miles separated him from his beloved family, Rik kept several Internet connections open to stay in touch. His sister Bonita said that her brother never indicated feelings of nervousness and made sure never to discuss the secret nature of his missions. Rik believed in the war and was devoted to his mission.

Rik and his family had the opportunity to spend time together for 2 weeks in August 2004, when he was on leave. It was time they all cherished. Rik and his wife celebrated their 16th wedding anniversary, as well as Diana's birthday before he went back to Iraq. ''He was happy to be home,'' his sister recalled. ''He was happy to be here with his family.''

Tragically, that was be the last time Rik would see them. On October 5, 2004, Rik was killed when his military vehicle hit a landmine in Latfiyah, Iraq. He was 38 years of age at the time of his death.

Rik Morgan forever will be remembered as a loving father, devoted husband, attentive son, and caring brother. He touched countless lives.

Rik was given full military honors at the service held in his honor and the Purple Heart and Bronze Star were presented to his family. Hundreds gathered to pay their respects to Rik, including members of the St. Clairsville football team and Rik's coach from so many years ago, Mickey Blatnik.

I had the privilege of meeting several members of Rik's family, and I want to thank them for sharing their memories with me. It was easy to see how proud they are of Rik and how supportive they are of each other. As Rik's sister Bonita said, ''He's a hero. He was proud to fight for his country.''

In closing, I would like to share an email message that was posted on an Internet tribute to Rik. It is a simple message from Mrs. Arthur's 4th Grade Class in Nelsonville, OH. It reads as follows:

My class and I want to thank you Richard for helping to keep us all safe. Please know that you will not be forgotten.

Indeed, Army SSG Richard Morgan will not be forgotten, for he answered the call President Reagan talked about to preserve peace and freedom. As that email message attests, he was, in fact, making ''a better life for generations to come.''

My wife Fran and I continue to keep Richard's family and friends in our thoughts and in our prayers.

ARMY SGT KURT SCHAMBERG

Mr. President, this afternoon I also wish to honor a fellow Ohioan and brave soldier, Army Sergeant Kurt Schamberg, from Orwell. SGT Schamberg died in Baghdad on May 19, 2005, when a roadside bomb detonated alongside his Humvee. He was 26 years of age at the time.

Kurt Schamberg held nothing back from his service to our country. At the time of his death, Kurt was almost done with his second tour of duty in Iraq. He already had been injured by shrapnel from another roadside bombing, but, as soon as he could leave the hospital, Kurt was back on patrol with his unit. Over and over, he gave of himself to protect others. Sergeant Schamberg was the embodiment of endurance and dedication, demonstrating time and time again that he was a model U.S. soldier.

Kurt was born on July 16, 1978, in Warren, OH. He grew up in Orwell, where he graduated from Grand Valley High School in 1997. Kurt was an energetic and creative young man. He enjoyed sports—especially watching the Pittsburgh Steelers—discussing politics, painting, and amateur film-making. Though he loved to talk about politics and current events, when the need presented itself, Kurt did more than just ''talk'' about the issues of the day with his friends. He acted. He went out into the world to make a difference. After the attacks of 9/11, Kurt Schamberg decided to enlist in the Army and defend our country from the front lines.

Kurt completed his training at Fort Benning, GA, and was then assigned to the 10th Mountain Division out of Fort Drum, NY, where he served as an automatic rifleman. His unit fought in the early stages of Operation Iraqi Freedom before returning home in March 2004. They again deployed again to Iraq in January 2005.

Kurt Schamberg was a man of great conviction, who fought for what he believed in, for what he felt was just and what he felt was right. Kurt joined the

war on terrorism and fought to bring freedom to the Iraqi people because he wanted to make the world a stronger, safer, better place for all of us. According to Kurt's mother, Pamela Lindsay:

[Kurt] among all my children was the peace lover. He was always finding a solution to a conflict. He would always fight the good fight, through talking and joking. If we could fight wars without loss of life and limb . . . Kurt would have lived. But . . . he knew that was not possible at this time.

Sergeant Schamberg loved his family. And, he loved the U.S. Army. He helped a new generation of soldiers learn how to protect themselves and protect our country. In an email message posted on an Internet tribute following Kurt's death, SPC Richard Ellsworth, who was stationed at Fort Campbell, KY, at the time, wrote the following:

[Kurt], I wanted to tell you that your job as an NCO in the Army is not over yet. You still have to take care of your troops! I will be heading to Iraq for the second time very shortly and I will need an outstanding NCO to look up to. I couldn't think of a better soldier than you. You will be missed, but never forgotten. Remember the soldiers' creed and the warrior ethos—and lead your soldiers to victory.

Kurt Schamberg was an accomplished and well-respected soldier. He was also an energetic, loving, good-humored young man, who endeared himself to all. Kurt's cousin Katie Schamberg remembers this about him: ''He was talented. He was funny. He was just everything. He loved life and was proud of what he was doing. . . .''

Kurt lived life to its fullest, whether he was fighting in a war or watching his beloved Steelers play football or creating his artwork or having a lively debate about politics. Everything he did, he did it with passion and zeal and with a love for life.

I would like to close my remarks with something that Kurt's friend Tiffany from Cleveland wrote in his honor:

Kurt was a wonderful, charismatic and brave individual. He had the remarkable talent of making people laugh. I will always remember him for this. I am immensely saddened by the loss, as is everyone who was privileged enough to know him in this life. Kurt was loved by many and [was] a true friend. My sympathy goes out to Lance and Kurt's family. Farewell Kurt. You will surely be missed.

My wife Fran and I continue to keep Kurt's family in our thoughts and prayers.

TERRORIST ATTACKS IN INDONESIA

Mr. MCCONNELL. Mr. President, I come to the floor today to condemn the terrorist attacks in Bali this past weekend that murdered over 20 people and injured scores of others. I ask my colleagues to keep the innocent victims of the attacks—and their families and friends—in our thoughts and prayers.

The indiscriminate murder of men, women, and children in Bali by suicide bombers underscores the viciousness of ideological extremists. Young men and women wooed to the dark side of religious fanaticism should not be fooled that paradise follows their suicide. At the end of the day, there is only death and destruction.

During these turbulent times, the people of Indonesia should know that they do not stand alone. As we share common principles of freedom and human rights, the world's democracies stand with you. I encourage President Susilo Bambang Yudhoyono to let America and other nations know how best we can help in the aftermath of the attacks—and what assistance we can provide to counter terrorism in Indonesia. In the war against terrorism, your struggle is our struggle.

I close by saying that like the Bali bombings in October 2002, the ripple from this weekend's attacks are felt on the shores of all free nations. Indonesia does not stand alone.

THE LIFE OF PAMELA WHITE

Mr. REID. Mr. President, last summer, I came to the Senate floor to say a few words about the untimely death of a great wilderness advocate and friend named Sally Kabisch. I spoke then of how one person can and does make a difference.

It is with a heavy heart that I return today to honor another great Nevadan who died too young and in tragic fashion.

Pam White hailed from Wyoming, she spent time in California, but settled in Ely—in eastern Nevada—and became a great Nevadan. Just last Thursday, Pam joined me and Senator ENSIGN for breakfast here in the Capitol. She had traveled to advocate for wilderness in White Pine County, the place she called home.

Pam's enthusiasm and conviction were infectious. She worked doggedly to build support for wilderness in rural Nevada. She served on local committees and advisory groups because she cared about the management and protection of our public lands. She deserves credit for depoliticizing the wilderness debate in eastern Nevada. She also deserves credit for supporting economic development in her adopted home town of Ely.

What I also appreciated about Pam was that she knew the importance of adoption. She adopted Nevada as her State, Ely as her home, and a young boy named Connor as her son.

Connor White has been dealt some tough cards in his life. His birth parents had serious drug problems and he ended up in foster care. Pam White became his advocate, his protector, and his mother. It takes a special person to care for a special needs child. Pam was a special person who cared. It takes an angel to adopt a special needs child.

The day after I saw Pam last week, she died in a single car crash between Ely and Elko. Pam was and is an angel. As Pam's parents, friends, family, and community rally to remember her life, Connor's future will be their focus. Pam would have wanted it to be so because she knew that affecting the lives of children is the best difference we can make.

TRIBUTE TO COMMANDER KEVIN S. BRENNAN, USN

Mr. BOND. Mr. President, I rise today to recognize and pay tribute to an outstanding Naval Officer, Commander Kevin Brennan, who has served so admirably and faithfully as a liaison to our Appropriations Committee on Defense. I want to recognize his superb service to our Nation and the Navy as he leaves our Nation's Capital to take command of an operational aviation squadron.

On behalf of my colleagues on the Defense Appropriations subcommittee, I want to take this opportunity to thank him for his dedicated and faithful service in pursuing the best for our men and women of the Navy.

As the Navy's primary appropriations matters liaison for aviation and weapons matters, Kevin has been an invaluable asset for the Secretary of the Navy and the Chief of Naval Operations, as well as a wealth of knowledge for my personal staff over the past 3½ years.

In addition to providing timely and accurate information on budget matters and emerging war fighting requirements, CDR Brennan has personally escorted my staff and the subcommittee professional staff on numerous trips to review military operations and confirm the health and welfare of our troops, on the front lines as well as when they return home from action. He provided keen insight on matters of national security and naval aviation's current readiness status, and the direct relationship between the two. His perspective on the needs of the Nation with respect to our sea service has provided me with the clarity and detail I needed to make important decisions regarding appropriations for the Department of Defense in pursuing the Nation's global war on terrorism.

In addition to the respect for the work Commander Brennan did in representing the Navy, I would like to thank him for his congenial demeanor and great sense of humor that he shared with all of us. It is his same sense of purpose and professionalism that I am confident will enable him to be a tremendous role model for those who serve under his command.

It is my honor to recognize Commander Brennan for his distinguished service to our Nation. My wife Lynda and I have the highest respect for those who serve in uniform, and I appreciate and honor all the men and women who have served in the defense of freedom. Recalling our national anthem, to our veterans and Armed Forces, I say, we would not be ''the land of the free'' if we were not also '' the home of the brave.''

In closing, I ask my fellow colleagues to join me in expressing our deep appreciation for the numerous contributions Commander Brennan has made on behalf of our Navy. We wish Kevin, his lovely wife Pamela and their four children continued success and the traditional naval wish of ''Fair winds and following seas'' as he closes out his service to the Congress and continues toward the pinnacle of Naval service, command at sea! BRAVO ZULU shipmate!

ELECTRONIC DUCK STAMP ACT

Mr. BURNS. Mr. President, today I join several of my colleagues in support of S. 1496, the Electronic Duck Stamp Act of 2005.

The Federal Duck Stamp Program has become one of the most popular and successful conservation programs ever initiated. Enacted in 1934, the Duck Stamp Act requires every waterfowl hunter to purchase a duck stamp in order to legally hunt migratory waterfowl. Through the purchase of the Federal duck stamp, sportsmen from across the country have contributed billions of dollars annually to the economy. Nearly $2 billion of this revenue has been used for wildlife conservation.

Times have changed and I believe it is time to modernize the way sportsmen buy duck stamps. The Electronic Duck Stamp Act will change the way Montana sportsmen and hunters across the country purchase their duck stamp. This concept follows on the heels of other programs used by sportsmen to purchase their hunting licenses, permits, and conservation stamps through means of the Internet. The 24-hour access to purchase these stamps will be especially useful in Montana and other States with rural communities. The e-duck stamp will be more cost effective and hunters will be able to forego a trip to town before heading to the field.

The Electronic Duck Stamp Act requires the Secretary of the Interior conduct a 3-year pilot program under which, hopefully, Montana and 14 other States may issue the electronic stamps. The price for the stamp will remain unchanged at $15. Stamps may be purchased over the phone or Internet giving sportsmen additional flexibility. Purchasers will receive immediate access to a verification number which will allow them to legally hunt waterfowl. This number will then eventually be replaced by an actual paper stamp.

This will be a very popular program and will benefit many American men and women who enjoy hunting waterfowl. I look forward to working with my Senate colleagues to pass this piece of legislation for not only my State of Montana but other States as well.

REPORT ENTITLED ''CONTINUED PRODUCTION OF THE NAVAL PETROLEUM RESERVES BEYOND APRIL 5, 2006''—PM 25

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

Consistent with section 7422(c)(2) of title 10, United States Code, I am informing you of my decision to extend the period of production of the Naval Petroleum Reserves for a period of 3 years from April 5, 2006, the expiration date of the currently authorized period of production.

Attached is a copy of the report prepared by my Administration investigating the necessity of continued production of the reserves consistent with section 7422(c)(2)(B) of title 10. In light of the findings contained in the report, I certify that continued production from the Naval Petroleum Reserves is in the national interest.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 4, 2005.*

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ALEXANDER (for himself and Mr. CORNYN):

S. 1815. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 1816. A bill to amend the Internal Revenue Code of 1986 to allow the manufacturing deduction provided by the American Jobs Creation Act of 2004 with respect to income attributable to domestic production activities in Puerto Rico; to the Committee on Finance.

By Mr. DEMINT:

S. 1817. A bill to suspend the Davis-Bacon Wage rate requirements for Federal contracts in areas declared national disasters; to the Committee on Health, Education, Labor, and Pensions.

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

S. 1818. A bill to amend the Internal Revenue Code of 1986 to allow the manufacturing deduction provided by the American Jobs Creation Act of 2004 with respect to income attributable to domestic production activities in any possession of the United States, and for other purposes; to the Committee on Finance.

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

S. 1819. A bill to amend the Internal Revenue Code of 1986 to increase participation and savings in cash or deferred plans through automatic contribution and default investment arrangements and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST (for himself, Mr. REID, Mr. BUNNING, Mr. FEINGOLD, and Mr. MARTINEZ):

S. Res. 264. A resolution expressing sympathy for the people of Indonesia in the aftermath of the deadly terrorist attacks in Bali on October 1, 2005; considered and agreed to.

ADDITIONAL COSPONSORS

S. 392

At the request of Mr. LEVIN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 492

At the request of Mr. FRIST, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 492, a bill 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.

S. 595

At the request of Mr. SANTORUM, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 695

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

At the request of Mr. BYRD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 695, supra.

S. 910

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 910, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 1010

At the request of Mr. SANTORUM, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from

West Virginia (Mr. BYRD) were added as cosponsors of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1086

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1119

At the request of Mr. CHAMBLISS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1119, a bill to permit an alien to remain eligible for a diversity visa beyond the fiscal year in which the alien applied for the visa, and for other purposes.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

At the request of Mr. SPECTER, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1197, supra.

S. 1321

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications.

S. 1418

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1418, a bill to enhance the adoption of a nationwide inter operable health information technology system and to improve the quality and reduce the costs of health care in the United States.

S. 1419

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1419, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 1479

At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1496

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1496, a bill to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

S. 1504

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1504, a bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.

S. 1509

At the request of Mr. JEFFORDS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1509, a bill to amend the Lacey Act Amendments of 1981 to add non-human primates to the definition of prohibited wildlife species.

S. 1536

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1536, a bill to provide certain members of the Armed Forces with a deferment of all loan payments under title IV of the Higher Education Act of 1965, and to provide such members with the option to reenroll in institutions of higher education after completion of their service.

S. 1538

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1538, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 1555

At the request of Ms. CANTWELL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1555, a bill to amend the Farm Security and Rural Investment Act of 2002 to reform funding for the Seniors Farmers' Market Nutrition Program, and for other purposes.

S. 1720

At the request of Mr. CORNYN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1720, a bill to provide enhanced penalties for crimes committed using funds appropriated for remediation of any injury or damage caused by Hurricane Katrina.

S. 1723

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1723, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fisherman, and for other purposes.

S. 1725

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1725, a bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes.

S. 1738

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1738, a bill to expand the responsibilities of the Special Inspector General for Iraq Reconstruction to provide independent objective audits and investigations relating to the Federal programs for Hurricane Katrina recovery.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1749, a bill to reinstate the application of the wage requirements of the Davis-Bacon Act to Federal contracts in areas affected by Hurricane Katrina.

S. 1780

At the request of Mr. SANTORUM, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 1793

At the request of Mr. BINGAMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1793, a bill to extend certain apportionments to primary airports.

S. 1799

At the request of Ms. MIKULSKI, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1799, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. RES. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr.

WYDEN) 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. 242

At the request of Mr. SESSIONS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Res. 242, a resolution to express the sense of the Senate that the President should appoint an individual to oversee Federal funds for the Hurricane Katrina recovery, and for other purposes.

S. RES. 262

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 262, a resolution condemning the statements of former Education Secretary William J. Bennett.

AMENDMENT NO. 1883

At the request of Mr. CONRAD, the names of the Senator from Utah (Mr. HATCH) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 1883 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. 1911

At the request of Ms. SNOWE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Rhode Island (Mr. REED) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 1911 intended to be proposed to H.R. 2863, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1932

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 1932 intended to be proposed to H.R. 2863, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1941

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 1941 intended to be proposed to H.R. 2863, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1943

At the request of Mr. REED, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 1943 proposed to H.R. 2863, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1978

At the request of Mr. MCCAIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 1978 proposed to H.R. 2863, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1990

At the request of Mr. ALLEN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 1990 intended to be proposed to H.R. 2863, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALEXANDER (for himself and Mr. CORNYN):

S. 1815. A bill to amend the Immigration and Nationality Act to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens, and for other purposes; to the Committee on the Judiciary.

Mr. ALEXANDER. Mr. President, Senator CORNYN and I are introducing legislation to amend the Immigration and Nationality Act. The legislation would be called the Strengthening American Citizenship Act.

Over the next several weeks, this body will be engaged in a debate about immigration reform. It is an essential debate which we must have in order to honor our commitment to the rule of law. I believe that real immigration reform must encompass three important steps.

First, we must secure our borders. Senators CORNYN, KYL, MCCAIN, and KENNEDY have introduced differing legislation with that goal in mind.

Second, we need to create a legal status for foreign workers and foreign students who come here. CORNYN-KYL and MCCAIN-KENNEDY also address the question of workers. Later this month, I intend to introduce legislation to ensure that our immigration system creates an appropriate legal status for and welcomes the more than 550,000 foreign students who study at our universities and who, incidentally, contribute to our high standard of living by doing so.

But there is a third step to any real immigration reform. After we secure our borders, after we create a legal status for foreigners who work here and study here, the third indispensable step is to help prospective citizens become Americans. That is why today I am introducing the Strengthening American Citizenship Act. I am pleased to be joined by Senator CORNYN in this effort.

The Strengthening American Citizenship Act helps legal immigrants who are prospective American citizens to learn our common language, our history, and our way of Government in the following ways: First, providing $500 grants for English courses; next, allowing prospective citizens who become fluent in English, not just basic in English, but fluent in English, to apply for citizenship 1 year early; next, providing for grants to organizations to provide courses in American history and civics; authorizing the creation of a new foundation to assist in those efforts; codifying the oath of allegiance to which new citizens swear when they are naturalized; asking the Department of Homeland Security to carry out a strategy to highlight the moving ceremonies in which immigrants become American citizens; and finally, establishing an award to recognize the contributions of new citizens to our great Nation.

This bill is about fulfilling the promise of our national motto that is written right above you, Mr. President, on the Senate wall: ''E Pluribus Unum,'' one from many. It is in the most visible place in the Senate Chamber. As a nation of immigrants, that motto—from many, one—is very important to us. While our unique history makes us a diverse nation, we are still one American Nation. How do we do that? How do we as Americans take all of the magnificent diversity that is the United States and mold it into a single nation? We can be one nation because we are united by principles expressed in our founding documents, such as liberty, democracy, and the rule of law, and not by our multiple ancestries. We are united by our common language, English, and by our history of constantly struggling to reach the high ideals that we have set for ourselves as a nation.

Part of that American history is welcoming new immigrants to join our Nation. We are unique in the world in our attitude toward welcoming others. America is different because under our Constitution becoming an American can have nothing to do with ancestry. That is because America is an idea, not a race. An American can technically become a citizen of Japan, in rare cases, but would never be considered Japanese. But if a Japanese person wants to become a citizen of the United States, he or she must become an American.

Recently, I was privileged to witness as 99 immigrants from 46 different countries became Americans. It was on a Constitution Day ceremony. I have attended naturalization ceremonies in Nashville and across my State many times in the past. It is a moving experience that I recommend to all of my colleagues.

This naturalization ceremony a few weeks ago was a special one held at the Jefferson Memorial. The same ceremonies are held in courthouses across the country. I watched those 99 new

Americans swear an oath of allegiance to this country. It is a powerful oath where they renounce allegiance to their former country and swear allegiance to ours and to the Constitution. It is the oath we will finally enshrine in law in this bill.

That oath is a part of our history. It dates back to the founding of our Nation almost 230 years ago. Those 99 new Americans who took that oath at the Jefferson Memorial a few weeks ago were basically taking the same oath George Washington gave to his soldiers in revolutionary times.

On May 12, 1778, as brave Americans were fighting for our freedom, George Washington himself, and his general officers, signed a very similar oath as they were camped at Valley Forge. Let me read a part of Washington's oath. This is a copy of the oath Washington took. The Archivist of the United States brought it to me. There is Washington's own signature. We can imagine the circumstances and imagine the times. It was in the early stages of the Revolutionary War. Things were not going very well. These soldiers were camped at Valley Forge and this was the oath Washington himself took and that he gave to his officers and required them to sign.

I, George Washington, Commander in chief of the Armies of the United States of America, do acknowledge the United States of America, to be Free, Independent and Sovereign States, and declare that the people thereof owe no allegiance or obedience to George the Third, King of Great Britain; and I renounce, refuse and abjure any allegiance or obedience to him; and I do swear that I will to the utmost of my power, support, maintain and defend the United States...

That is how George Washington and his officers swore allegiance to our country, and it has set the standard for American citizens from that time forward. Every American should learn about that standard.

Since I was elected to this body in 2002, I have been working to ensure that American children learn American history and civics. With the help of Democratic leader Senator REID and many other Senators on both sides of the aisle, we passed legislation in December of 2003 to establish residential academies for teachers and congressional academies for students of American history and civics. Some are residential academies to help teachers and outstanding students learn more about these important subjects so they can pass it on to their students and classmates.

This year, I hope to pass a bill with Senator KENNEDY to provide for improved testing of American history so we can determine where history is being taught well and where it is being taught poorly so improvements can be made. We also know that when testing is focused on a specific subject, States and school districts are more likely to step up to the challenge and improve performance. So we are beginning to make progress in reaching out to our children so that they understand what this country is all about.

There is another group of Americans we must also reach: New Americans. Last week, there was a report in Florida of a 27-year-old Guatemalan man who posed as an 18-year-old so he could attend public high school and learn English there. So we know immigrants are eager to learn our common language. That is why I, with Senator CORNYN, am introducing this bill to help legal immigrants who are prospective American citizens to learn our common language, our history, and our way of governing.

The Strengthening American Citizenship Act will, No. 1, provide education grants up to $500 for English courses to immigrants who declare intent to become American citizens. They might use these grants to take a class from a local nonprofit organization or a community college. It would also allow citizenship applicants who speak fluent English to meet the residency requirement after 4 years of living in the United States, rather than 5.

Secondly, our legislation would help prospective citizens learn more about the American way of life. It would do it in these two ways: One, establishing a foundation to support the activities of the Office of Citizenship, which is within the Department of Homeland Security, so that organizations that want to support and cooperate in efforts to reach out to prospective citizens can do so.

Second, it would provide for grants to organizations to provide classes in American history and civics. While new citizens are required to demonstrate a knowledge of American history and government in a test, helping them access a history or civics class will allow many to gain a richer understanding of our country and, by doing so, to feel more at home in the United States.

The third major area this legislation covers would be to codify this oath of allegiance which began with George Washington's oath at Valley Forge. The oath today is written only in Federal regulations, not in the law. This would give the oath the same standing as the Pledge of Allegiance and the national anthem.

Finally, we should celebrate our new citizens. Our legislation would instruct the Secretary of Homeland Security to develop and implement a strategy to raise public awareness of naturalization ceremonies. These ceremonies, which happen virtually every day in the United States, embody what it means to become an American. Every U.S. citizen, not just those from foreign countries, ought to see one. It is my hope that more of these ceremonies will be held in prominent locations and televised on C–SPAN.

We also would establish an award for citizens who have been naturalized within the last ten years and have made an outstanding contribution to the American nation. Our new citizens are often our best citizens, and this bill would give the President this responsibility so that we can recognize how new Americans play a critical role in the progress of our country.

We are a nation of immigrants. Almost all of us can trace our ancestry to some part of the globe quite far from here. Over the coming weeks this body will debate how to reform our immigration system. I believe comprehensive reform must include three things: No. 1, securing our borders; No. 2, creating a legal status for foreign workers and foreign students whom we welcome here; and, No. 3, helping prospective citizens become Americans.

The Strengthening American Citizenship Act fulfills that third objective. Comprehensive immigration reform must include efforts to help new Americans become a part of our national family.

By Mr. SANTORUM:

S. 1816. A bill to amend the Internal Revenue Code of 1986 to allow the manufacturing deduction provided by the American Jobs Creation Act of 2004 with respect to income attributable to domestic production activities in Puerto Rico; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise today to introduce a bill to bring equity and fairness to the manufacturing and production activities in Puerto Rico. Earlier this Congress, my colleague from the House of Representatives, Delegate LUIS FORTUÑO, introduced H.R. 2181 to extend section 199 to manufacturing and production activities in Puerto Rico.

In the American Jobs Creation Act of 2004, we enacted section 199 that provides a deduction for income attributable to certain manufacturing activities. However, section 199 currently applies only to manufacturing and production activities in the U.S., and does not extend to Puerto Rico. This bill merely places the manufacturing and production activities in Puerto Rico on even footing with those conducted within the United States. It contains the additional safeguard of assuring that the extension of this deduction is only available where the income of the company is subject to immediate U.S. tax.

I have worked with my colleague in the House as he has perfected this language to narrowly meet the needs of his constituents, and I am pleased to be able to help him move this legislation forward in the Senate. I urge my colleagues to support this provision and bring fairness to the treatment of these important and vital economic activities.

By Mr. DEMINT:

S. 1817. A bill to suspend the Davis-Bacon Wage rate requirements for Federal contracts in areas declared national disasters; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEMINT. Mr. President, today I introduce the Cleanup and Reconstruction Enhancement Act, CARE Act, legislation that would free those trying to

rebuild after emergencies from burdensome regulations imposed by the Davis-Bacon Act.

As Chairman of the Senate Commerce Subcommittee on Disaster Prevention and Prediction, I traveled to the gulf coast to see the destruction caused by Hurricane Katrina. My heart went out to the victims and their families, and my hope was to see the infrastructure there restored as quickly as possible to avoid further destruction and loss of life. Unfortunately, Federal law places barriers on our efforts to respond to Hurricane Katrina quickly and efficiently.

The Inspector General at the U.S. Department of Labor concluded in a May 2004 report that 84 percent of Davis-Bacon wage determination surveys take more than a year and a half to complete, forcing emergency projects to use outdated wage determinations and to suffer needless delays. The Davis-Bacon Act also prohibits the use of entry-level workers classified as ''helpers'' on federally funded projects, and artificially raises construction costs by up to 33 percent. Furthermore, the Davis-Bacon Act discourages many small businesses from bidding on public projects, because contractors who are unfamiliar with the complex set of laws and regulations often choose not to participate in reconstruction efforts or end up being cited or sued for naively violating laws.

For these reasons, Davis-Bacon regulations were suspended by Executive Order 11 days after Hurricane Katrina ravaged the Gulf Coast. Knowing what we know now, it is unconscionable for us to force victims of future disasters to suffer through any waiting period before we remove barriers to reconstruction. The CARE Act would automatically trigger a year-long suspension of Davis-Bacon Act rules in all future disaster sites that receive an emergency declaration from the 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. 1817

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 ''Cleanup and Reconstruction Enhancement Act'' or ''CARE Act''.

SEC. 2. SUSPENSION OF DAVIS-BACON WAGE REQUIREMENTS IN NATIONAL DISASTER AREAS.

Section 3147 of title 40, United States Code, is amended by adding at the end the following: ''In any area that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), the provisions of this subchapter shall not apply for a period of 1 year from the date on which the President makes such determination.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 264—EXPRESSING SYMPATHY FOR THE PEOPLE OF INDONESIA IN THE AFTERMATH OF THE DEADLY TERRORIST ATTACKS IN BALI ON OCTOBER 1, 2005

Mr. FRIST (for himself, Mr. REID, Mr. BUNNING, Mr. FEINGOLD, and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 264

Whereas terrorists have planned and conducted attacks around the world since September 11, 2001, including the bombing of a night club on the Indonesian island of Bali on October 12, 2002, that killed 202 people and injured 209, the bombings of two synagogues and the British Embassy in Istanbul, Turkey, in November 2003, that killed 56 people and injured more than 450, the bombing of the train system in Madrid, Spain, on March 11, 2004, that killed more than 190 people and injured approximately 1,500, and the bombing of London's public transportation system during the morning rush hour on July 7, 2005, that killed 52 people and injured approximately 700;

Whereas terrorists have struck Indonesia on multiple occasions, including the December 5, 2002, bombing of a McDonald's restaurant on Sulawesi Island that killed 3 people and injured 11, the August 5, 2003, bombing of the J.W. Marriott Hotel in Jakarta that killed 12 people and injured 150, and the September 9, 2004, bombing of the Australian Embassy in Jakarta that killed 11 people and injured 100;

Whereas on October 1, 2005, terrorists again struck the popular Indonesian resort island of Bali, detonating explosives in three crowded restaurants that killed at least 19 innocent Indonesian civilians and foreign tourists from around the world and injuring approximately 132 others, including at least 6 citizens of the United States;

Whereas the terrorist attacks in Bali, Indonesia were senseless, barbaric, and depraved acts carried out against innocent civilians;

Whereas Indonesia is a friend and ally of the United States and in the past has endured terrorism against its civilians;

Whereas the people of the United States stand in solidarity with the people of Indonesia in fighting terrorism;

Whereas the United States immediately condemned the terrorist attacks and extended the condolences of the people of the United States to the people of Indonesia; and

Whereas Secretary of State Condoleezza Rice denounced the terrorist attacks on Bali, Indonesia, and stated, ''The United States stands with the people and government of Indonesia as they work to bring to justice those responsible for these acts of terrorism. We will continue to work together in our common fight against terror.'': Now, therefore, be it

Resolved, That the Senate—

(1) expresses deepest sympathies and condolences to the people of Indonesia and the victims and their families of the heinous terrorist attacks that occurred on the Indonesian island of Bali on October 1, 2005;

(2) condemns these barbaric and unwarranted attacks on the innocent people of Indonesia and foreign tourists;

(3) expresses strong and continued solidarity with the people of Indonesia in opposing extremism and pledges to remain shoulder-to-shoulder with the people of Indonesia to bring the terrorists responsible for these and other brutal acts of violence to justice; and

(4) calls upon the international community to renew and strengthen efforts to—

(A) defeat terrorists by dismantling terrorist networks and exposing the violent and nihilistic ideology of terrorism;

(B) increase international cooperation to advance personal and religious freedoms, ethnic and racial tolerance, political liberty and pluralism, and economic prosperity; and

(C) combat the social injustice, oppression, poverty, and extremism that contributes to terrorism.

Mr. KERRY (for himself, Mr. SCHUMER, and Mrs. CLINTON):

S. 1818. A bill to amend the Internal Revenue Code of 1986 to allow the manufacturing deduction provided by the American Jobs Creation Act of 2004 with respect to income attributable to domestic production activities in any possession of the United States, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, the manufacturing deduction provided by the American Jobs Creation Act of 2004 does not include income from goods produced in any possession of the United States. Today along with Senators CLINTON and SCHUMER, I am introducing legislation which would allow the manufacturing deduction to include income attributable to domestic production in possessions of the United States. This legislation would make the manufacturing deduction available only for the possession income of U.S. residents.

During the Senate Finance markup of the manufacturing deduction, I offered an amendment that would extend this deduction to income from goods produced in the possessions of the United States. The amendment was agreed to by the Finance Committee, but unfortunately the provision was not included in the conference agreement. I do not know why the Republican chaired conference committee removed this provision so important to the people of Puerto Rico and elsewhere.

Most United States businesses that operate in the possessions use the possessions tax credit or the Puerto Rican economic activities credits. In 1996, Congress passed the Small Business Job Protection Act of 1996 which included a provision that phased-out the tax credits and completely repeals them beginning in 2006.

The legislation that I am introducing today would help the businesses that are no longer able to benefit from these credits. More importantly, this legislation provides an equitable solution. There is no reason why companies operating in the possessions should not receive the same manufacturing deduction as companies operating in the mainland United States, Alaska, or Hawaii.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1995. Mr. BAYH 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.

SA 1996. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1997. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1998. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1999. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2000. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2001. Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2002. Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. DURBIN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2003. Mr. GRAHAM (for himself, Mrs. CLINTON, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2004. Mr. GRAHAM (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2005. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2006. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2007. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2008. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2009. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2010. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2011. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2012. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2013. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2014. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2015. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2016. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2017. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2018. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2019. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2020. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2021. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2022. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2023. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2024. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2025. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2026. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2027. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2028. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2029. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2030. Mr. TALENT (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2031. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2032. Mr. KERRY (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1955 proposed by Mr. WARNER (for himself and Mr. LEVIN) to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2033. Mr. KERRY (for himself, Mr. KENNEDY, Mr. REED, Mr. DORGAN, Mr. JEFFORDS, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. CORZINE, Mr. KOHL, Mr. BAYH, Mr. DURBIN, Ms. CANTWELL, Mrs. CLINTON, Mr. BAUCUS, Mr. REID, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2034. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2035. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2036. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2037. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2038. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2039. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2040. Mrs. CLINTON (for herself, Mr. SALAZAR, Mr. CORZINE, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LAUTENBERG, Mr. LEAHY, Mr. CARPER, Mr. JEFFORDS, Mr. REED, Mr. HARKIN, Ms. STABENOW, Mr. OBAMA, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2041. Mr. SALAZAR 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.

SA 2042. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2043. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 1955 proposed by Mr. WARNER (for himself and Mr. LEVIN) to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2044. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1955 proposed by Mr. WARNER (for himself and Mr. LEVIN) to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2045. Mr. FRIST (for Mr. SPECTER) proposed an amendment to the bill S. 1197, to reauthorize the Violence Against Women Act of 1994.

TEXT OF AMENDMENTS

SA 1995. Mr. BAYH 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:

Subtitle F—Financial Protections for Servicemembers

SEC. 671. SHORT TITLE.

This subtitle may be cited as the ''Patriot Penalty Elimination Act of 2005''.

SEC. 672. INCOME PRESERVATION PAY FOR RESERVES SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) AUTHORITY.—Chapter 1209 of title 10, United States Code, is amended by inserting after section 12316 the following new section:

"§ 12316a. Reserves: income preservation pay

''(a) REQUIREMENT TO PAY.—The Secretary of the military department concerned shall pay income preservation pay under this section to an eligible member of a reserve component of the armed forces in connection with the member's active-duty service as described in subsection (b).

''(b) ELIGIBLE MEMBER.—A member is eligible for income preservation pay if—

''(1) in the case of a member who is an employee of the Federal Government—

''(A) the member is called or ordered to active duty (other than voluntarily) under a provision of law referred to in section 101(a)(13)(B) of this title;

''(B)(i) pursuant to such call or order, the member serves on active duty outside the United States during at least 6 out of 12 consecutive months; or

''(ii) in the case of any member who has served on active duty outside the United States at any time pursuant to such a call or order and also serves on active duty pursuant to such a call or order in an area affected by Hurricane Katrina or Hurricane Rita, the member serves on active duty pursuant to such calls or orders to active duty during at least 6 out of 12 consecutive months; and

''(C) with respect to such active-duty service, the amount of the member's preservice earned income determined under subparagraph (A) of subsection (c)(1) exceeds the amount of the member's military service income determined under subparagraph (B) of such subsection; or

''(2) in the case of any other member, the member—

''(A) meets the requirements of paragraph (1); and

''(B) is not receiving employment income preservation payments from the qualifying employer of the member as described in section 12316b of this title.

''(c) AMOUNT.—(1) Subject to paragraph (2), the amount payable under this section to a member in connection with active-duty service is the amount equal to the excess (if any) of—

''(A) the amount computed by multiplying—

''(i) the preservice average monthly earned income of the member, by

''(ii) the total number of the member's service months for such active-duty service, over

''(B) the amount computed by multiplying—

''(i) the military service average monthly income of the member, by

''(ii) the total number of months determined under subparagraph (A)(ii).

''(2) The total amount of income preservation pay that is paid to a member under this section may not exceed $10,000.

''(d) PRESERVICE AVERAGE MONTHLY EARNED INCOME.—For the purposes of this section, the preservice average monthly earned income of a member who serves on active duty as described in subsection (b) shall be computed by dividing 12 into the total amount of the member's earned income for the 12 months immediately preceding the member's first service month of the period for which income preservation pay is to be paid to the member under this section.

''(e) MILITARY SERVICE AVERAGE MONTHLY INCOME.—For the purposes of this section, the military service average monthly income of a member who serves on active duty as described in subsection (b) is the amount determined by dividing—

''(1) the sum of the total amount of the member's earned income (other than basic pay, special and incentive pays, and allowances) and the total amount of the member's basic pay (under section 204 of title 37), any special and incentive pays paid to the member (under chapter 5 of title 37), and any allowances paid to the member (under chapter 7 of title 37) for the member's service months for such active-duty service, by

''(2) the total number of such months.

''(f) TIME AND MANNER OF PAYMENT.—(1) Subject to paragraph (2), the total amount of income preservation pay that is payable under this section to a member in connection with service on active duty is due and payable, in one lump sum, not later than 30 days after the date on which the member is released from the active duty.

''(2) The Secretary concerned may make advance payment of income preservation pay in whole or in part under this section to a member, under such terms and conditions as the Secretary determines appropriate, if it is clear from the circumstances that it is likely that the member's active-duty service will satisfy the requirements of subsection (b). In any case in which advance payment is made to a member whose period of such active-duty service does not satisfy such requirements, the Secretary concerned may waive recoupment of the advance payment if the Secretary determines that recoupment would be against equity and good conscience or would be contrary to the best interests of the United States.

''(g) DEFINITIONS.—In this section:

''(1) The term 'area affected by Hurricane Katrina or Hurricane Rita' means an area that is under a designation by the President of a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in connection with Hurricane Katrina or Hurricane Rita.

''(2) The term 'earned income' has the meaning given such term in section 32(c)(2) of the Internal Revenue Code of 1986.

''(3) The term 'service month', with respect to service of a member of a reserve component of the armed forces on active duty, means a month during any part of which the member serves on active duty.

''(h) TERMINATION OF AUTHORITY.—This section shall cease to be effective on the first day of the first month that begins on or after the date that is five years after the date of the enactment of the Patriot Penalty Elimination Act of 2005.''.

(b) RECHARACTERIZATION OF EXISTING SECTION ON PAYMENT OF CERTAIN RESERVES ON ACTIVE DUTY.—The heading of section 12316 of title 10, United States Code, is amended to read as follows:

"§ 12316. Reserves: payment of other entitlement instead of pay and allowances".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of title 10, United States Code, is amended by striking the item relating to section 12316 and inserting the following new items:

''12316. Reserves: payment of other entitlement instead of pay and allowances.

''12316a. Reserves: income preservation pay.''.

(d) EFFECTIVE DATE.—Section 12316a of title 10, United States Code (as added by subsection (a)), shall take effect as of January 1, 2003, and shall apply with respect to active-duty service that begins on or after such date.

SEC. 673. EMPLOYMENT INCOME PRESERVATION ASSISTANCE GRANTS FOR EMPLOYERS OF RESERVES.

(a) AUTHORITY.—Chapter 1209 of title 10, United States Code, as amended by section 672(a) of this Act, is further amended by inserting after section 12316a the following new section:

"§ 12316b. Reserves: employment income preservation assistance grants for employers of reserves

''(a) REQUIREMENT TO MAKE GRANTS.—The Secretary of the military department concerned shall make a grant to each qualifying employer to assist such employer in making employment income preservation payments to a covered member of a reserve component of the armed forces who is an employee of such employer to assist the member in preserving the preservice average monthly wage or salary of the member in connection with the member's active-duty service as described in subsection (c).

''(b) QUALIFYING EMPLOYER.—(1) Except as provided in paragraph (2), for the purposes of this section, a qualifying employer is any employer who makes employment income preservation payments to a covered member to assist the member in preserving the preservice average monthly wage or salary of the member in connection with the member's active-duty service as described in subsection (c).

''(2) A State or local government is not a qualifying employer for the purpose of this section.

''(c) COVERED MEMBER.—For the purposes of this section, a member is a covered member if—

''(1) the member is called or ordered to active duty (other than voluntarily) under a provision of law referred to in section 101(a)(13)(B) of this title;

''(2)(A) pursuant to such call or order, the member serves on active duty outside the United States during at least 6 out of 12 consecutive months; or

''(B) in the case of any member who has served on active duty outside the United States at any time pursuant to such a call or order and also serves on active duty pursuant to such a call or order in an area affected by Hurricane Katrina or Hurricane Rita, the member serves on active duty pursuant to such calls or orders to active duty during at least 6 out of 12 consecutive months; and

''(3) with respect to such active-duty service, the amount of the member's preservice average monthly wage or salary (as determined under subsection (e)) exceeds the amount of the member's military service average monthly income (as determined under subsection (f)).

''(d) EMPLOYMENT INCOME PRESERVATION PAYMENTS.—(1) For the purposes of this section, employment income preservation payments are any payments made by a qualifying employer to a covered member in connection with the active-duty service of the member described in subsection (c) in order to make up any excess of the member's preservice average monthly wage or salary over the member's military service average monthly income.

''(2) The total amount of employment income preservation payments with respect to a covered member for which a grant may be made under subsection (a) may not exceed $10,000.

''(e) PRESERVICE AVERAGE MONTHLY WAGE OR SALARY.—For the purposes of this section, the preservice average monthly wage or salary of a covered member who serves on active duty as described in subsection (c) shall be computed by dividing—

''(1) the number of months of employment of the member with the qualifying employer during the 12-month period preceding the member's commencement on active duty as described in subsection (c); into

''(2) the total amount of the member's wage or salary paid by the qualifying employer during such months.

''(f) MILITARY SERVICE AVERAGE MONTHLY INCOME.—For the purposes of this section, the military service average monthly income of a member who serves on active duty as described in subsection (c) is the amount determined by dividing—

''(1) the sum of the total amount of the member's earned income (other than basic pay, special and incentive pays, and allowances) and the total amount of the member's basic pay (under section 204 of title 37), any special and incentive pays paid to the member (under chapter 5 of title 37), and any allowances paid to the member (under chapter 7 of title 37) for the member's service months for such active-duty service, by

''(2) the total number of such months.

''(g) DEFINITIONS.—In this section:

''(1) The term 'area affected by Hurricane Katrina or Hurricane Rita' means an area that is under a designation by the President of a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in connection with Hurricane Katrina or Hurricane Rita.

''(2) The term 'earned income' has the meaning given such term in section 32(c)(2) of the Internal Revenue Code of 1986.

''(3) The term 'service month', with respect to service of a member of a reserve component of the armed forces on active duty, means a month during any part of which the member serves on active duty.

''(h) TERMINATION OF AUTHORITY.—This section shall cease to be effective on the first day of the first month that begins on or after the date that is five years after the date of the enactment of the Patriot Penalty Elimination Act of 2005.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of title 10, United States Code, as amended by section 672(c) of this Act, is further by inserting after the item relating to section 12316a the following new item:

''12316b. Reserves: income preservation assistance grants for employers of reserves.''.

(c) EFFECTIVE DATE.—Section 12316b of title 10, United States Code (as added by subsection (a)), shall take effect as of January 1, 2003, and shall apply with respect to active-duty service that begins on or after such date.

(d) OFFSET.—The Secretary of Defense shall transfer from the Iraq Freedom Fund to accounts for the payment of income preservation pay under section 12316a of title 10, United States Code (as added by subsection (a)), and for the making of income preservation assistance grants under section 12316b of title 10, United States Code (as added by subsection (b)), such amount of unobligated balances in the Iraq Freedom Fund as of the date of the enactment of this Act as the Secretary determines appropriate for the payment of such pay and the making of such grants during fiscal year 2006.

SA 1996. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, add the following:

SEC. 8116. Of the amount appropriated by title III under the heading ''OTHER PROCUREMENT, NAVY'', up to $3,000,000 may be made available for the Joint Aviation Technical Data Intergration Program.

SA 1997. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, add the following:

SEC. 8116. Of the amount appropriated by title III under the heading ''OTHER PROCUREMENT, AIR FORCE'', up to $3,000,000 may be made available for the Laser Marksmanship Training System.

SA 1998. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE X—FINANCIAL PROTECTIONS FOR SERVICEMEMBERS

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Patriot Penalty Elimination Act of 2005''.

SEC. 1002. INCOME PRESERVATION PAY FOR RESERVES SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) AUTHORITY.—Chapter 1209 of title 10, United States Code, is amended by inserting after section 12316 the following new section:

''§ 12316a. Reserves: income preservation pay

''(a) REQUIREMENT TO PAY.—The Secretary of the military department concerned shall pay income preservation pay under this section to an eligible member of a reserve component of the armed forces in connection with the member's active-duty service as described in subsection (b).

''(b) ELIGIBLE MEMBER.—A member is eligible for income preservation pay if—

''(1) in the case of a member who is an employee of the Federal Government—

''(A) the member is called or ordered to active duty (other than voluntarily) under a provision of law referred to in section 101(a)(13)(B) of this title;

''(B)(i) pursuant to such call or order, the member serves on active duty outside the United States during at least 6 out of 12 consecutive months; or

''(ii) in the case of any member who has served on active duty outside the United States at any time pursuant to such a call or order and also serves on active duty pursuant to such a call or order in an area affected by Hurricane Katrina or Hurricane Rita, the member serves on active duty pursuant to such calls or orders to active duty during at least 6 out of 12 consecutive months; and

''(C) with respect to such active-duty service, the amount of the member's preservice earned income determined under subparagraph (A) of subsection (c)(1) exceeds the amount of the member's military service income determined under subparagraph (B) of such subsection; or

''(2) in the case of any other member, the member—

''(A) meets the requirements of paragraph (1); and

''(B) is not receiving employment income preservation payments from the qualifying employer of the member as described in section 12316b of this title.

''(c) AMOUNT.—(1) Subject to paragraph (2), the amount payable under this section to a member in connection with active-duty service is the amount equal to the excess (if any) of—

''(A) the amount computed by multiplying—

''(i) the preservice average monthly earned income of the member, by

''(ii) the total number of the member's service months for such active-duty service, over

''(B) the amount computed by multiplying—

''(i) the military service average monthly income of the member, by

''(ii) the total number of months determined under subparagraph (A)(ii).

''(2) The total amount of income preservation pay that is paid to a member under this section may not exceed $10,000.

''(d) PRESERVICE AVERAGE MONTHLY EARNED INCOME.—For the purposes of this section, the preservice average monthly earned income of a member who serves on active duty as described in subsection (b) shall be computed by dividing 12 into the total amount of the member's earned income for the 12 months immediately preceding the member's first service month of the period for which income preservation pay is to be paid to the member under this section.

''(e) MILITARY SERVICE AVERAGE MONTHLY INCOME.—For the purposes of this section, the military service average monthly income of a member who serves on active duty as described in subsection (b) is the amount determined by dividing—

''(1) the sum of the total amount of the member's earned income (other than basic pay, special and incentive pays, and allowances) and the total amount of the member's basic pay (under section 204 of title 37), any special and incentive pays paid to the member (under chapter 5 of title 37), and any allowances paid to the member (under chapter 7 of title 37) for the member's service months for such active-duty service, by

''(2) the total number of such months.

''(f) TIME AND MANNER OF PAYMENT.—(1) Subject to paragraph (2), the total amount of income preservation pay that is payable under this section to a member in connection with service on active duty is due and payable, in one lump sum, not later than 30 days after the date on which the member is released from the active duty.

''(2) The Secretary concerned may make advance payment of income preservation pay in whole or in part under this section to a member, under such terms and conditions as the Secretary determines appropriate, if it is clear from the circumstances that it is likely that the member's active-duty service will satisfy the requirements of subsection (b). In any case in which advance payment is made to a member whose period of such active-duty service does not satisfy such requirements, the Secretary concerned may waive recoupment of the advance payment if the Secretary determines that recoupment would be against equity and good conscience or would be contrary to the best interests of the United States.

''(g) DEFINITIONS.—In this section:

''(1) The term 'area affected by Hurricane Katrina or Hurricane Rita' means an area that is under a designation by the President of a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in connection with Hurricane Katrina or Hurricane Rita.

''(2) The term 'earned income' has the meaning given such term in section 32(c)(2) of the Internal Revenue Code of 1986.

''(3) The term 'service month', with respect to service of a member of a reserve component of the armed forces on active duty, means a month during any part of which the member serves on active duty.

''(h) TERMINATION OF AUTHORITY.—This section shall cease to be effective on the first day of the first month that begins on or after the date that is five years after the date of

the enactment of the Patriot Penalty Elimination Act of 2005.''.

(b) RECHARACTERIZATION OF EXISTING SECTION ON PAYMENT OF CERTAIN RESERVES ON ACTIVE DUTY.—The heading of section 12316 of title 10, United States Code, is amended to read as follows:

''§ 12316. Reserves: payment of other entitlement instead of pay and allowances''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of title 10, United States Code, is amended by striking the item relating to section 12316 and inserting the following new items:

''12316. Reserves: payment of other entitlement instead of pay and allowances.
''12316a. Reserves: income preservation pay.''.

(d) EFFECTIVE DATE.—Section 12316a of title 10, United States Code (as added by subsection (a)), shall take effect as of January 1, 2003, and shall apply with respect to active-duty service that begins on or after such date.

SEC. 1003. EMPLOYMENT INCOME PRESERVATION ASSISTANCE GRANTS FOR EMPLOYERS OF RESERVES.

(a) AUTHORITY.—Chapter 1209 of title 10, United States Code, as amended by section 1002(a) of this Act, is further amended by inserting after section 12316a the following new section:

''§ 12316b. Reserves: employment income preservation assistance grants for employers of reserves

''(a) REQUIREMENT TO MAKE GRANTS.—The Secretary of the military department concerned shall make a grant to each qualifying employer to assist such employer in making employment income preservation payments to a covered member of a reserve component of the armed forces who is an employee of such employer to assist the member in preserving the preservice average monthly wage or salary of the member in connection with the member's active-duty service as described in subsection (c).

''(b) QUALIFYING EMPLOYER.—(1) Except as provided in paragraph (2), for the purposes of this section, a qualifying employer is any employer who makes employment income preservation payments to a covered member to assist the member in preserving the preservice average monthly wage or salary of the member in connection with the member's active-duty service as described in subsection (c).

''(2) A State or local government is not a qualifying employer for the purpose of this section.

''(c) COVERED MEMBER.—For the purposes of this section, a member is a covered member if—

''(1) the member is called or ordered to active duty (other than voluntarily) under a provision of law referred to in section 101(a)(13)(B) of this title;

''(2)(A) pursuant to such call or order, the member serves on active duty outside the United States during at least 6 out of 12 consecutive months; or

''(B) in the case of any member who has served on active duty outside the United States at any time pursuant to such a call or order and also serves on active duty pursuant to such a call or order in an area affected by Hurricane Katrina or Hurricane Rita, the member serves on active duty pursuant to such calls or orders to active duty during at least 6 out of 12 consecutive months; and

''(3) with respect to such active-duty service, the amount of the member's preservice average monthly wage or salary (as determined under subsection (e)) exceeds the amount of the member's military service average monthly income (as determined under subsection (f)).

''(d) EMPLOYMENT INCOME PRESERVATION PAYMENTS.—(1) For the purposes of this section, employment income preservation payments are any payments made by a qualifying employer to a covered member in connection with the active-duty service of the member described in subsection (c) in order to make up any excess of the member's preservice average monthly wage or salary over the member's military service average monthly income.

''(2) The total amount of employment income preservation payments with respect to a covered member for which a grant may be made under subsection (a) may not exceed $10,000.

''(e) PRESERVICE AVERAGE MONTHLY WAGE OR SALARY.—For the purposes of this section, the preservice average monthly wage or salary of a covered member who serves on active duty as described in subsection (c) shall be computed by dividing—

''(1) the number of months of employment of the member with the qualifying employer during the 12-month period preceding the member's commencement on active duty as described in subsection (c); into

''(2) the total amount of the member's wage or salary paid by the qualifying employer during such months.

''(f) MILITARY SERVICE AVERAGE MONTHLY INCOME.—For the purposes of this section, the military service average monthly income of a member who serves on active duty as described in subsection (c) is the amount determined by dividing—

''(1) the sum of the total amount of the member's earned income (other than basic pay, special and incentive pays, and allowances) and the total amount of the member's basic pay (under section 204 of title 37), any special and incentive pays paid to the member (under chapter 5 of title 37), and any allowances paid to the member (under chapter 7 of title 37) for the member's service months for such active-duty service, by

''(2) the total number of such months.

''(g) DEFINITIONS.—In this section:

''(1) The term 'area affected by Hurricane Katrina or Hurricane Rita' means an area that is under a designation by the President of a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in connection with Hurricane Katrina or Hurricane Rita.

''(2) The term 'earned income' has the meaning given such term in section 32(c)(2) of the Internal Revenue Code of 1986.

''(3) The term 'service month', with respect to service of a member of a reserve component of the armed forces on active duty, means a month during any part of which the member serves on active duty.

''(h) TERMINATION OF AUTHORITY.—This section shall cease to be effective on the first day of the first month that begins on or after the date that is five years after the date of the enactment of the Patriot Penalty Elimination Act of 2005.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of title 10, United States Code, as amended by section 1002(c) of this Act, is further by inserting after the item relating to section 12316a the following new item:

''12316b. Reserves: income preservation assistance grants for employers of reserves.''.

(c) EFFECTIVE DATE.—Section 12316b of title 10, United States Code (as added by subsection (a)), shall take effect as of January 1, 2003, and shall apply with respect to active-duty service that begins on or after such date.

(d) OFFSET.—The Secretary of Defense shall transfer from the Iraq Freedom Fund to accounts for the payment of income preservation pay under section 12316a of title 10, United States Code (as added by subsection (a)), and for the making of income preservation assistance grants under section 12316b of title 10, United States Code (as added by subsection (b)), such amount of unobligated balances in the Iraq Freedom Fund as of the date of the enactment of this Act as the Secretary determines appropriate for the payment of such pay and the making of such grants during fiscal year 2006.

SA 1999. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ AND AFGHANISTAN AND FOR OTHER DEFENSE-RELATED ACTIVITIES THROUGH REPEAL OF THE SCHEDULED PHASEOUT OF THE LIMITATIONS ON PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—The Internal Revenue Code of 1986 is amended—

(1) by striking subparagraphs (E) and (F) of section 151(d)(3), and

(2) by striking subsections (f) and (g) of section 68.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

SA 2000. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. 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''.

SA 2001. Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In an appropriate place insert the following:

SEC. ____. 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) 1 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 dramatically 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 2002. Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. DURBIN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,000,000 may be used for Combat Vehicle and Automotive Technology (PE#0602601A) for the Multipurpose Utility Vehicle.

SA 2003. Mr. GRAHAM (for himself, Mrs. CLINTON, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) GENERAL ELIGIBILITY.—Subsection (a) of section 1076d of title 10, United States Code, is amended—

(1) by striking ''(a) ELIGIBILITY.—A member'' and inserting ''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member'';

(2) by striking ''after the member completes'' and all that follows through ''one or more whole years following such date''; and

(3) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.''.

(b) CONDITION FOR TERMINATION OF ELIGIBILITY.—Subsection (b) of such section is amended by striking ''(b) PERIOD OF COVERAGE.—(1) TRICARE Standard'' and all that follows through ''(3) Eligibility'' and inserting ''(b) TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.—Eligibility''.

(c) CONFORMING AMENDMENTS.—

(1) Such section is further amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section so as to appear following subsection (d).

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

''§ 1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve''.

(d) REPEAL OF OBSOLETE PROVISION.—Section 1076b of title 10, United States Code, is repealed.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

''1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.''.

(f) SAVINGS PROVISION.—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day under such section 1076d as amended by this section.

(g) FUNDING.—Of the amount appropriated by title VI under the heading ''DEFENSE HEALTH PROGRAM'', up to $180,000,000 may be used to carry out the amendments made by this section.

SA 2004. Mr. GRAHAM (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____.(a) AUTHORITY TO UTILIZE COMBATANT STATUS REVIEW TRIBUNALS AND ADMINISTRATIVE REVIEW BOARD TO DETERMINE STATUS OF DETAINEES AT GUANTANAMO BAY, CUBA.—The President is authorized to utilize the Combatant Status Review Tribunals and a noticed Administrative Review Board, and the procedures thereof as specified in subsection (b), currently in operation at Guantanamo Bay, Cuba, in order to determine the status of the detainees held at Guantanamo Bay, including whether any such detainee is a lawful enemy combatant or an unlawful enemy combatant.

(b) PROCEDURES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the procedures specified in this subsection are the procedures that were in effect in the Department of Defense for the conduct of the Combatant Status Review Tribunal and the Administrative Review Board on July 1, 2005.

(2) EXCEPTION.—The exceptions provided in this paragraph for the procedures specified in paragraph (1) are as follows:

(A) To the extent practicable, the Combatant Status Review Tribunal shall determine, by a preponderance of the evidence, whether statements derived from persons held in foreign custody were obtained without undue coercion.

(B) The Designated Civilian Official shall be an officer of the United States Government whose appointment to office was made by the President, by and with the advise and consent of the Senate.

(3) MODIFICATION OF PROCEDURES.—The President may modify the procedures and requirements set forth under paragraphs (1) and (2). Any modification of such procedures or requirements may not go into effect until 30 days after the date on which the President notifies the congressional defense committees of the modification.

(c) DEFINITIONS.—In this section:

(1) The term ''lawful enemy combatant'' means person engaging in war or other armed conflict against the United States or its allies on behalf of a state party to the Geneva Convention Relative to the Treatment of Prisoners of War, dated August 12, 1949, who meets the criteria of a prisoner of war under Article 4 of that Convention.

(2) The term ''unlawful enemy combatant'', with respect to noncitizens of the United States, means a person (other than a person described in paragraph (1)) engaging in war, other armed conflict, or hostile acts against the United States or its allies, regardless of location.

SA 2005. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated by this Act may be obligated or expended for the further development, deployment, or operation of any web-based, end-to-end travel management system, or services under any contract for such travel services that provides for payment by the Department of Defense to the service provider above, or in addition to, a fixed price transaction fee for eTravel services under the General Services Administration eTravel contract.

SA 2006. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds appropriated by this Act may be made available to the Centers for Disease Control and Prevention for activities relating to the avian flu epidemic.

SA 2007. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____. CREDITABLE SERVICE FOR FEDERAL RETIREMENT FOR CERTAIN INDIVIDUALS.

(a) AMENDMENTS.—

(1) IN GENERAL.—Section 8332(b) of title 5, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (16);

(B) by striking the period at the end of paragraph (17) and inserting ''; and'';

(C) by adding after paragraph (17) the following:

''(18) any period of service performed before 1977, while a citizen of the United States, in the employ of Air America, Incorporated, Air Asia Company Limited (a subsidiary of Air America, Incorporated), or the Pacific Division of Southern Air Transport, Incorporated, at a time when that corporation (or subsidiary) was owned or controlled by the Government of the United States and operated or managed by the Central Intelligence Agency.''; and

(D) by adding at the end the following: ''For purposes of this subchapter, service of the type described in paragraph (18) of this subsection shall be considered to have been service as an employee, and the Office of Personnel Management shall accept the certification of the Director of the Central Intelligence Agency or his designee concerning any such service.''.

(2) EXEMPTION FROM DEPOSIT REQUIREMENT.—Section 8334(g) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting ''; or''; and

(C) by adding after paragraph (6) the following:

''(7) any service for which credit is allowed under section 8332(b)(18) of this title.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to annuities commencing on or after the effective date of this section.

(2) PROVISIONS RELATING TO CURRENT ANNUITANTS.—Any individual who is entitled to an annuity for the month in which this section becomes effective may, upon application submitted to the Office of Personnel Management within 2 years after the effective date of this section, have the amount of such annuity recomputed as if the amendments made by this section had been in effect throughout all periods of service on the basis of which such annuity is or may be based. Any such recomputation shall be effective as of the commencement date of the annuity, and any additional amounts becoming payable for periods before the first month for which the recomputation is reflected in the individual's regular monthly annuity payments shall be payable to such individual in the form of a lump-sum payment.

(3) PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.—

(A) IN GENERAL.—Any individual (not described in paragraph (2)) who becomes eligible for an annuity or for an increased annuity as a result of the enactment of this section may elect to have such individual's rights under subchapter III of chapter 83 of title 5, United States Code, determined as if the amendments made by this section had been in effect, throughout all periods of service on the basis of which such annuity is or would be based, by submitting an appropriate application to the Office of Personnel Management within 2 years after—

(i) the effective date of this section; or

(ii) if later, the date on which such individual separates from service.

(B) COMMENCEMENT DATE, ETC.—

(i) IN GENERAL.—Any entitlement to an annuity or to an increased annuity resulting from an application under subparagraph (A) shall be effective as of the commencement date of such annuity (subject to clause (ii), if applicable), and any amounts becoming payable for periods before the first month for which regular monthly annuity payments begin to be made in accordance with the amendments made by this section shall be payable to such individual in the form of a lump-sum payment.

(ii) RETROACTIVITY.—Any determination of the amount, or of the commencement date, of any annuity, all the requirements for entitlement to which (including separation, but disregarding any application requirement) would have been satisfied before the effective date of this section if this section had then been in effect (but would not then otherwise have been satisfied absent this section) shall be made as if application for such annuity had been submitted as of the earliest date that would have been allowable, after such individual's separation from service, if such amendments had been in effect throughout the periods of service referred to in the first sentence of subparagraph (A).

(4) RIGHT TO FILE ON BEHALF OF A DECEDENT.—The regulations under subsection (d)(1) shall include provisions, consistent with the order of precedence set forth in section 8342(c) of title 5, United States Code, under which a survivor of an individual who performed service described in section 8332(b)(18) of such title (as amended by subsection (a) of this section) shall be allowed to submit an application on behalf of and to receive any lump-sum payment that would otherwise have been payable to the decedent under paragraph (2) or (3) of this subsection. Such an application shall not be valid unless it is filed within 2 years after the effective date of this section or 1 year after the date of the decedent's death, whichever is later.

(c) FUNDING.—

(1) LUMP-SUM PAYMENTS.—Any lump-sum payments under subsection (b) shall be payable out of the Civil Service Retirement and Disability Fund.

(2) UNFUNDED LIABILITY.—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this section shall be financed in accordance with section 8348(f) of title 5, United States Code.

(d) REGULATIONS AND SPECIAL RULE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Director of the Office of Personnel Management, in consultation with the Director of the Central Intelligence Agency, shall prescribe any regulations necessary to carry out this section. Such regulations shall include provisions under which rules similar to those established pursuant to section 201 of the Federal Employees' Retirement System Act of 1986 (Public Law 99–335; 100 Stat. 514) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as amended by subsection (a) of this section) that was subject to title II of the Social Security Act.

(2) OTHER REGULATIONS.—The Director of the Central Intelligence Agency, in consultation with the Director of the Office of Personnel Management, shall prescribe any regulations which may become necessary, with respect to any retirement system administered by the Director of the Central Intelligence Agency, as a result of the enactment of this section.

(3) SPECIAL RULE.—For purposes of any application for any benefit which is computed or recomputed taking into account any service described in section 8332(b)(18) of title 5, United States Code (as amended by subsection (a) of this section), section 8345(i)(2) of such title shall be applied by deeming the reference to the date of the ''other event which gives rise to title to the benefit'' to refer to the effective date of this section, if later than the date of the event that would otherwise apply.

(e) DEFINITIONS.—For purposes of this section—

(1) the terms ''unfunded liability'', ''survivor'', and ''survivor annuitant'' have the meanings given under section 8331 of title 5, United States Code; and

(2) the term ''annuity'', as used in paragraphs (2) and (3) of subsection (b), includes a survivor annuity.

(f) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this section.

SA 2008. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE'', up to $2,500,000 may be available for advanced technology for IRCM component improvement.

SA 2009. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $3,000,000 may be available for the Field Rapid Assay Biological System.

SA 2010. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY, up to $2,000,000 may be used for Program Element #0603235N for the Shipboard Automated Reconstruction Capability.

SA 2011. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,000,000 may be used for the Joint Service Small Arms Program.

SA 2012. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes;

which was ordered to lie on the table; as follows:

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 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).

SA 2013. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. EXCLUSION OF SPECIAL PAY AND ALLOWANCES FROM INCOME FOR SUPPLEMENT SECURITY INCOME BENEFITS.

(a) IN GENERAL.—Paragraph (20) of section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)(20)) is amended to read as follows:

''(20) special pay receive pursuant to chapter 5 of title 37, United States Code, and allowances received pursuant to chapter 7 of title 37, United States Code;''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to eligibility determinations made and benefit amounts payable after the date of the enactment of this Act.

SA 2014. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 160, strike line 16 and all that follows through page 161, line 5, and insert the following:

(B) $10,000,000.

SA 2015. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) PROMOTION OF FAMILY FORMATION AND HEALTHY MARRIAGE.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

''(vii) Encourage equitable treatment of healthy 2-parent married families under the program referred to in clause (i).''.

(b) HEALTHY MARRIAGE PROMOTION GRANTS; REPEAL OF BONUS FOR REDUCTION OF ILLEGITIMACY RATIO.—Section 403(a)(2) of such Act

(42 U.S.C. 603(a)(2)) is amended to read as follows:

''(2) HEALTHY MARRIAGE PROMOTION GRANTS.—

''(A) AUTHORITY.—

''(i) IN GENERAL.—The Secretary shall award competitive grants to States and Indian tribes and tribal organizations for not more than 50 percent of the cost of developing and implementing innovative programs to promote and support healthy 2-parent married families.

''(ii) USE OF OTHER TANF FUNDS.—A State or Indian tribe or tribal organization with an approved tribal family assistance plan may use funds provided under other grants made under this part for all or part of the expenditures incurred for the remainder of the costs described in clause (i). In the case of a State, any such funds expended shall not be considered qualified State expenditures for purposes of section 409(a)(7).

''(B) HEALTHY MARRIAGE PROMOTION ACTIVITIES.—Funds provided under subparagraph (A) and corresponding State matching funds shall be used to support any of the following programs or activities:

''(i) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

''(ii) Education in high schools on the importance of healthy marriages and the characteristics of other healthy relationships experienced throughout life, including education on the importance of grounding all relationships in mutual respect and how earlier healthy relationships are the building blocks for later healthy marital relationships.

''(iii) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women, non-married expectant fathers, and non-married recent parents.

''(iv) Pre-marital education and marriage skills training for engaged couples and for couples or individuals interested in marriage.

''(v) Marriage enhancement and marriage skills training programs for married couples.

''(vi) Divorce reduction programs that teach relationship skills.

''(vii) Marriage mentoring programs which use married couples as role models and mentors.

''(viii) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

''(C) VOLUNTARY PARTICIPATION.—

''(i) IN GENERAL.—Participation in programs or activities described in any of clauses (iii) through (vii) of subparagraph (B) shall be voluntary.

''(ii) ASSURANCE OF INFORMED CONSENT AND OPTION TO DISENROLL.—Each State or Indian tribe or tribal organization that carries out programs or activities described in any of clauses (iii) through (vii) of subparagraph (B) shall provide the Secretary with an assurance that each recipient of assistance under the State program funded under this part who elects to participate in such programs or activities shall be informed, prior to making such election—

''(I) that such participation is voluntary;

''(II) that the recipient may elect at any time to disenroll from such programs or activities by notifying the State or Indian tribe or tribal organization that the recipient no longer wants to participate in such programs or activities;

''(III) of the process, if any, by which a recipient who chooses to withdraw from, or fails to participate in, such programs or activities may be required to follow to become engaged in other programs or activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B); and

''(IV) that the State may reassign a recipient at any time, in accordance with the requirements of section 408(b), to other activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B).

''(iii) NO SANCTION FOR REFUSAL OR FAILURE TO PARTICIPATE.—

''(I) IN GENERAL.—No State or Indian tribe or tribal organization shall deny or reduce assistance to a recipient of assistance under the State program funded under this part solely on the basis of the recipient's withdrawal from, or failure to, participate in programs or activities described in clauses (iii) through (vii) of subparagraph (B).

''(II) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as precluding a State or Indian tribe or tribal organization from requiring a recipient of assistance under the State program funded under this part to engage in programs or activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B) or to sanction a recipient for failure to engage in such programs or activities or to follow any such procedures the State may establish to enroll a recipient in such other programs or activities.

''(D) GENERAL RULES GOVERNING USE OF FUNDS.—The rules of section 404, other than subsection (b) of that section, shall not apply to a grant made under this paragraph.

''(E) REQUIREMENTS FOR RECEIPT OF FUNDS.—A State or Indian tribe or tribal organization may not be awarded a grant under this paragraph unless the State or Indian tribe or tribal organization, as a condition of receiving funds under such a grant—

''(i) consults with domestic violence organizations that have demonstrated expertise working with survivors of domestic violence in developing policies, procedures, programs and training necessary to appropriately address domestic violence in families served by programs and activities funded under such grant;

''(ii) describes in the application for a grant under this paragraph—

''(I) how the programs or activities proposed to be conducted will appropriately address issues of domestic violence; and

''(II) what the State or Indian tribe or tribal organization, will do, to the extent relevant, to ensure that participation in such programs or activities is voluntary, and to inform potential participants that their involvement is voluntary;

''(iii) establishes a written protocol for providers and administrators of programs and activities relevant to the grant that—

''(I) provides for helping identify instances or risks of domestic violence; and

''(II) specifies the procedures for making service referrals and providing protections and appropriate assistance for identified individuals and families;

''(iv) establishes performance goals for funded programs and activities that clarify the primary objective of such funded programs and activities is to increase the incidence and quality of healthy marriages and not solely to expand the number or percentage of married couples; and

''(v) submits the annual reports required under subparagraph (F).

''(F) ANNUAL REPORTS TO THE SECRETARY.—Each State and Indian tribe or tribal organization awarded a grant under this paragraph shall submit to the Secretary an annual report on the programs and activities funded under the grant that includes the following:

''(i) A description of the written protocols developed in accordance with the requirements of subparagraph (E)(iii) for each program or activity funded under the grant and how such protocols are used, including specific policies and procedures for addressing domestic violence issues within each program or activity funded under the grant and how confidentiality issues are addressed.

''(ii) The name of each individual, organization, or entity that was consulted in the development of such protocols.

''(iii) A description of each individual, organization, or entity (if any) that provided training on domestic violence for the State, Indian tribe or tribal organization, or for any subgrantees.

''(iv) A description of any implementation issues identified with respect to domestic violence and how such issues were addressed.

''(G) BIANNUAL REPORTS TO CONGRESS.—Not later than 24 months after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act, and every 6 months thereafter, the Secretary shall submit to Congress a report regarding the programs and activities funded with grants awarded under this paragraph. Each report submitted in accordance with this subparagraph shall include the following:

''(i) The name of each program or activity funded with such grants and the name of each grantee and subgrantee.

''(ii) The total number of individuals served under programs or activities funded under the grant.

''(iii) The total number of individuals who—

''(I) completed a program or activity funded under the grant, including the number of such individuals who received assistance under the State program funded under this part or with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) while participating in such program or activity; and

''(II) did not complete such a program or activity, including due to ceasing to receive assistance under the State program funded under this part or with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) or for other reasons.

''(iv) A description of the types of services offered under such programs or activities.

''(v) The criteria for selection of programs or activities to be funded under such grant with respect to the award of grants by the Secretary and the awarding of funds to subgrantees.

''(vi) A description of the activities carried out by the Secretary to support grantees and subgrantees in responding to domestic violence issues.

''(vii) A summary of the written domestic violence protocols used by grantees and subgrantees.

''(viii) A summary of who the grantees and subgrantees consulted with in developing such protocols.

''(ix) A summary of the training provided to grantees and subgrantees on domestic violence.

''(x) A list of the organizations, entities, and activities funded under sections 103(c) and 114(e) of the Personal Responsibility and Individual Development for Everyone Act.

''(H) DOMESTIC VIOLENCE DEFINED.—In this paragraph, the term 'domestic violence' has the meaning given that term in section 402(a)(7)(B).

''(I) APPROPRIATION.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2005 through 2010, $100,000,000 for grants under this paragraph.

''(ii) EXTENDED AVAILABILITY OF FUNDS.—

''(I) IN GENERAL.—Funds appropriated under clause (i) for each of fiscal years 2006 through 2010 shall remain available to the Secretary until expended.

''(II) AUTHORITY FOR GRANT RECIPIENTS.—A State or Indian tribe or tribal organization may use funds made available under a grant awarded under this paragraph without fiscal year limitation pursuant to the terms of the grant.''.

(c) BEST PRACTICES FOR ADDRESSING DOMESTIC VIOLENCE.—Section 413 of such Act (42 U.S.C. 613) is amended by adding at the end the following:

''(k) BEST PRACTICES FOR ADDRESSING DOMESTIC VIOLENCE.—

''(1) IN GENERAL.—The Secretary shall, by grant, contract, or interagency agreement, develop and implement programs that are designed to address domestic violence as a barrier to healthy relationships, marriage, and economic security. Programs developed and implemented under this subsection shall include—

''(A) training for caseworkers administering the State program funded under this part;

''(B) technical assistance;

''(C) the provision of voluntary services for victims of such violence; and

''(D) activities related to the prevention of domestic violence.

''(2) DOMESTIC VIOLENCE DEFINED.—In this subsection, the term 'domestic violence' has the meaning given that term in section 402(a)(7)(B).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $10,000,000 for each of fiscal years 2006 through 2010. Amounts appropriated to carry out this subsection shall be in addition to and not in lieu of amounts otherwise appropriated to carry out programs to address domestic violence.''.

(d) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

''(V) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Subject to subclauses (II) and (III), the term 'qualified State expenditures' includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).''.

(e) PURPOSES.—Section 401(a)(4) of such Act (42 U.S.C. 601(a)(4)) is amended by striking ''two-parent families'' and inserting ''healthy 2-parent married families, and encourage responsible fatherhood''.

SA 2016. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ____. (a) PROHIBITION ON TRANSFER OF AUTHORITY ON TACTICAL UNMANNED AERIAL VEHICLES.—None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) EXTENDED RANGE MULTI-PURPOSE UNMANNED AERIAL VEHICLES.—The Army shall retain responsibility for and operational control of the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SA 2017. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page ____ between lines ____ and ____, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,000,000 may be used for Chemical Biological Defense Material Test and Evaluation Initiative.

SA 2018. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, between lines ____ and ____, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be used for development of solid oxide fuel cells for unmanned undersea vehicles.

SA 2019. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page ____ between lines ____ and ____, insert the following:

SEC.! ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $2,000,000 may be used for the development of a Lightweight Tactical All Terrain Vehicle (LTATV).

SA 2020. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, between lines ____ and ____, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $2,500,000 may be used for the Transportable Pathogen Reduction & Blood Safety System.

SA 2021. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SECTION 8116. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.

(a) SHORT TITLE.—This section may be cited as the ''Helping to House the Victims of Hurricane Katrina Act of 2005''.

(b) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

''(20) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—

''(A) IN GENERAL.—During the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if—

''(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

''(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

''(B) REGULATIONS.—Not later than 30 days after the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall issue final rules to establish the procedures applicable to the issuance of assistance under subparagraph (A).

''(C) NOTICE.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and such other agencies as the Secretary determines appropriate, shall establish procedures for providing notice of the availability of assistance under this paragraph to individuals or families that may be eligible for such assistance.

''(D) AUTHORITY TO CONTRACT WITH PHA'S AND OTHERS.—The Secretary may contract with any State or local government agency or public housing agency, or in consultation with any State or local government agency, with any other entity, to ensure that assistance payments under this paragraph are provided in an efficient and expeditious manner.

''(E) WAIVER OF ELIGIBILITY REQUIREMENTS.—In providing assistance under this paragraph, the Secretary shall waive the requirements under—

''(i) paragraph (2), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual's return to work;

''(ii) paragraph (4), relating to the eligibility of individuals to receive assistance;

''(iii) subsection (k) and paragraph (5) of this subsection, relating to verification of income;

''(iv) paragraph (7)(A), relating to the requirement that leases shall be for a term of 1 year;

''(v) paragraph (8), relating to initial inspection of housing units by a public housing agency; and

''(vi) subsection (r)(1)(B), relating to restrictions on portability.

''(F) USE OF FUNDS.—Notwithstanding any other provision of law, funds available for assistance under this paragraph—

''(i) shall be made available by the Secretary to individuals to cover the cost of —

''(I) rent;

''(II) security and utility deposits;

''(III) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

''(IV) such additional expenses as the Secretary determines necessary; and

''(ii) shall be used by the Secretary—

''(I) for payments to public housing agencies, State or local government agencies, or other voucher administrators for vouchers used to assist individuals or families affected by the major disaster or emergency described in this paragraph up to their authorized level of vouchers, if any such vouchers are not otherwise funded; and

''(II) to provide operating subsidies to public housing agencies for public housing units provided to individuals or families affected by the major disaster or emergency described in this paragraph, if such a subsidy was not previously provided for those units.

''(G) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

''(H) NONDISCRIMINATION.—In selecting individuals or families for tenancy, a landlord or owner may not exclude or penalize an individual or family solely because any portion of the rental payment of that individual or family is provided under this paragraph.

''(I) TERMINATION OF ASSISTANCE.—Assistance provided under this paragraph shall—

''(i) terminate 6 months after the date on which such assistance was received; and

''(ii) extend for an additional 6 months unless at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

''(21) ASSISTANCE FOR CURRENT VOUCHER RECIPIENTS AFFECTED BY HURRICANE KATRINA.—

''(A) IN GENERAL.—The Secretary shall waive any of the requirements described in clauses (i) through (vi) of paragraph (20)(E) for any individual or family receiving assistance under this section on August 29, 2005, if—

''(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

''(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

''(B) ADDITIONAL USES OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall provide, as the Secretary determines appropriate, supplemental assistance to an individual or family receiving assistance under this section on August 29, 2005, and meeting the requirements described in subparagraph (A), to assist the individual or family with the additional costs of relocating to new housing, including to cover—

''(i) the additional cost of rent and utilities;

''(ii) security and utility deposits;

''(iii) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

''(iv) such additional expenses as the Secretary determines necessary.

''(C) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

''(D) NONDISCRIMINATION.—A landlord or owner may not exclude or penalize an individual or family solely because that individual or family is eligible for any waivers or benefits provided under this paragraph.

''(E) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this paragraph shall—

''(i) apply during the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005; and

''(ii) extend for an additional 6 months after that period, unless if at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

''(22) AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHA'S ARE UNABLE TO DO SO.—If the Secretary determines that a public housing agency is unable to implement the provisions of this subsection due to the effects of Hurricane Katrina, the Secretary may—

''(A) directly administer any voucher program described in paragraphs (1) through (20); and

''(B) perform the functions assigned to a public housing agency by this subsection.''.

(c) REPORT ON INVENTORY OF AVAILABILITY OF TEMPORARY HOUSING.—Not later than 10 days after the date of enactment of this Act, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, and such other agency heads as the Secretary determines appropriate, shall compile and report to the Secretary an inventory of Federal civilian and defense facilities that can be used—

(1) to provide emergency housing; or

(2) as locations for the construction or deployment of temporary housing units.

(d) APPROPRIATION OF FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated and are appropriated $3,500,000,000 to provide assistance under this Act.

(2) EMERGENCY DESIGNATION.—The amount appropriated under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 2022. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) HARDSHIP DUTY PAY FOR CERTAIN DUTY IN AREAS AFFECTED BY HURRICANE KATRINA OR HURRICANE RITA.—Duty of members of the Armed Forces and other individuals described in subsection (b) in an area affected by Hurricane Katrina or Hurricane Rita, during the period beginning on August 27, 2005, and ending on the date of the termination of a declaration by the President of a major disaster with respect to such area, shall be deemed to be hardship duty for which hardship duty pay under section 305 of title 37, United States Code, is payable.

(b) COVERED MEMBERS AND INDIVIDUALS.—The members of the Armed Forces and individuals described in this subsection are as follows:

(1) Members of the Armed Forces on active duty, including members of the reserve components of the Armed Forces on active duty.

(2) Members of the National Guard on full-time State active duty service that is treated as service in title 32, United States Code, status pursuant to the September 7, 2005, memorandum of the Acting Deputy Secretary of Defense regarding Hurricane Katrina Relief Efforts.

(c) AREA AFFECTED BY HURRICANE KATRINA OR HURRICANE RITA DEFINED.—In this section, the term ''area affected by Hurricane Katrina or Hurricane Rita'' means an area that is under a designation by the President of a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in connection with Hurricane Katrina or Hurricane Rita.

(d) FUNDING.—Amounts appropriated by title I for Military Personnel shall be available for the payment of hardship duty pay under this section for fiscal years 2005 and 2006.

SA 2023. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPTROLLER GENERAL REPORT ON AUTHORITIES APPLICABLE TO THE DEPARTMENT OF DEFENSE RESPONSE TO INCIDENTS OF NATIONAL SIGNIFICANCE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the officials and committees of Congress referred to in paragraph (2) a report setting forth the authorities governing or otherwise applicable to the Department of Defense response to incidents of national significance.

(2) OFFICIALS AND COMMITTEES.—The officials and committees of Congress referred to in this paragraph are—

(A) the Speaker of the House of Representatives;

(B) the President pro tempore of the Senate;

(C) the Committees on Armed Services of the Senate and the House of Representatives; and

(D) the Secretary of Defense.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the authorities in Federal law governing or otherwise applicable to the Department of Defense response to incidents of national significance, including any authorities in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) A description of the authorities, responsibilities, and missions afforded the Department of Defense in responding to incidents of national significance under current Administration directives and guidelines, including Homeland Security Presidential Directive 8, the National Response Plan, Department of Defense Directive 3025.1, and Department of Defense Joint Publications 3–07 and 3–26.

(3) A description of the authorities, responsibilities, and missions afforded the Department of Defense under Federal law (including the provisions of title 32, United States Code) and current Administration directives and guidelines for coordinating the mobilization and deployment of National Guard units in responding to incidents of national significance, including the mobilization and deployment of National Guard units in State status.

(4) A description and assessment of Department of Defense operations in response to previous domestic major national disasters, including the following:

(A) The earthquake in San Francisco, California, in 1994.

(B) The flood in the Midwest in 1993.

(C) Hurricane Andrew in 1992.

(D) Hurricane Betsy in 1965.

(E) The flood of the Mississippi River in 1927.

(F) The Great San Francisco Earthquake in 1906.

(5) The assessment of the Comptroller General as to whether or not the authorities governing or otherwise applicable to the Department of Defense response to incidents of national significance, and the current Administration directives and guidelines on the authority, responsibilities, and mission afforded the Department in responding to such incidents, are adequate to permit the Department to respond effectively to incidents of national significance.

(6) The assessment of the Comptroller General as to whether or not the Department of Defense fully exercised its authorities, and fully discharged its responsibilities and missions, during the Department response to Hurricane Katrina.

(c) PROHIBITION ON MODIFICATION OF AUTHORITY, RESPONSIBILITIES, OR MISSIONS.—No authority, responsibility, or mission of or applicable to the Department of Defense response to incidents of national significance may be modified during period beginning on the date of the enactment of this Act and ending on the date of the submittal to the officials and committees of Congress referred to in paragraph (2) of subsection (a) of the report required by paragraph (1) of that subsection.

(d) INCIDENT OF NATIONAL SIGNIFICANCE DEFINED.—In this section, the term ''incident of national significance''—

(1) means an incident of national significance as defined in the White House National Response Plan, issued December 2004, and Homeland Security Presidential Directive 8; and

(2) includes disasters declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) and emergencies declared in accordance with section 501 of that Act (42 U.S.C. 5191).

SA 2024. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $3,500,000 may be available for Maryland Emergency Medical Services for using shock trauma as a resuscitation research testbed.

SA 2025. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____. TEMPORARY MEDICAID DISASTER RELIEF

SEC. ___01. SHORT TITLE OF TITLE; PURPOSE.

(a) SHORT TITLE OF TITLE.—This title may be cited as the ''Temporary Medicaid Disaster Relief Act of 2005''.

(b) PURPOSE.—The purpose of this title is to ensure all those affected by Hurricane Katrina have access to health coverage and medical care through the medicaid program and to authorize temporary changes in such program to guarantee and expedite that coverage and access to care.

SEC. ___02. DISASTER RELIEF PERIOD.

(a) IN GENERAL.—For purposes of this title, the term ''disaster relief period'' means the period beginning on August 29, 2005, and, subject to subsection (b), ending on February 28, 2006.

(b) PRESIDENTIAL AUTHORITY TO EXTEND DISASTER RELIEF PERIOD.—

(1) IN GENERAL.—The President shall extend the application of section ___03 and paragraphs (1) and (2) of section ___04(a) until September 30, 2006, unless the President determines that all Katrina Survivors would have sufficient access to health care without such an extension. In the case of such an extension, the reference to ''February 28, 2006'' in subsection (a) shall be considered to be a reference to ''September 30, 2006''.

(2) NOTICE TO CONGRESS.—The President shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives at least 30 days prior to—

(A) extending the application of such sections; or

(B) if the President determines not to extend the application of such sections, February 28, 2006.

SEC. ___03. TEMPORARY MEDICAID COVERAGE FOR KATRINA SURVIVORS.

(a) DEFINITIONS.—In this title:

(1) KATRINA SURVIVOR.—

(A) IN GENERAL.—The term ''Katrina Survivor'' means an individual who is described in subparagraph (B) or (C).

(B) RESIDENTS OF DISASTER LOCALITIES.—

(i) IN GENERAL.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in—

(I) a parish in the State of Louisiana that is among the parishes that the Federal Emergency Management Agency of the Emergency Preparedness and Response Directorate of the Department of Homeland Security declared on September 4, 2005, to be Federal Disaster Parishes; or

(II) a county in the State of Alabama or Mississippi that is among the counties such Agency declared Federal Disaster Counties on September 4, 2005.

(ii) AUTHORITY TO RELY ON WEBSITE POSTED DESIGNATIONS.—The Secretary of Health and Human Services shall post on the Internet website for the Centers for Medicare & Medicaid Services a list of parishes and counties identified as Federal Disaster Parishes or Counties. Any State which provides medical assistance to Katrina Survivors on the basis of such posting and in accordance with this title shall be held harmless if it is subsequently determined that the provision of such assistance was in error.

(C) INDIVIDUALS WHO LOST EMPLOYMENT.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in a direct impact State and lost their employment since Hurricane Katrina.

(D) CONSTRUCTION.—A Katrina Survivor shall be treated as being ''from'' the State of residence described in subparagraph (B)(i) or (C), as the case may be.

(E) TREATMENT OF CURRENT MEDICAID BENEFICIARIES.—Nothing in this title shall be construed as preventing an individual who is otherwise entitled to medical assistance under title XIX of the Social Security Act from being treated as a Katrina Survivor under this title.

(F) TREATMENT OF HOMELESS PERSONS.—For purposes of this title, in the case of an individual who was homeless on any day during the week described in subparagraph (B)(i), the individual's ''residence'' shall be deemed to be the place of residence as otherwise determined for such an individual under title XIX of the Social Security Act.

(2) DIRECT IMPACT STATE.—The term ''direct impact State'' means the State of Louisiana, Alabama, and Mississippi.

(b) RULES FOR PROVIDING TEMPORARY MEDICAL ASSISTANCE TO KATRINA SURVIVORS.—During the disaster relief period, any State may provide medical assistance to Katrina Survivors under a State medicaid plan established under title XIX of the Social Security Act in accordance with the following:

(1) UNIFORM ELIGIBILITY RULES.—

(A) NO INCOME, RESOURCES, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.—Such assistance shall be provided without application of any income or resources test, State residency, or categorical eligibility requirements.

(B) STREAMLINED ELIGIBILITY PROCEDURES.—The State shall use the following streamlined procedures in processing applications and determining eligibility for medical assistance for Katrina Survivors:

(i) A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall include notice regarding the penalties for making a fraudulent application under paragraph (4) and shall require the applicant to assign to the State any rights of the applicant (or any other person who is a Katrina Survivor and on whose behalf the applicant has the legal authority to execute an assignment of such rights) under any group health plan or other third-party coverage for health care.

(ii) Self-attestation by the applicant that the applicant is a Katrina Survivor.

(iii) No requirement for documentation evidencing the basis on which the applicant qualifies to be a Katrina Survivor.

(iv) Issuance of a Medicaid eligibility card to an applicant who completes such application, including the self-attestation required under clause (ii). Such card shall be valid during the disaster relief period.

(v) If an applicant completes the application and presents it to a provider or facility participating in the State medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) and it appears to the provider that the applicant is a Katrina Survivor based on the information in the application, the applicant will be deemed to be a Katrina Survivor eligible for medical assistance in accordance with this section, subject to paragraph (3).

(vi) Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the disaster relief period.

(C) DETERMINATION OF ELIGIBILITY FOR COVERAGE AFTER THE TERMINATION OF THE DISASTER RELIEF PERIOD.—In the case of a Katrina Survivor who is receiving medical assistance from a State, prior to the termination of the disaster relief period, the State providing such assistance shall determine whether the Katrina Survivor is eligible for continued medical assistance under the State's eligibility rules otherwise applicable under the State medicaid plan. If a State determines that the individual is so eligible, the State shall provide the individual with

written notice of the determination and provide the individual with continued coverage for such medical assistance for so long as the individual remains eligible under such otherwise applicable eligibility rules. If a State determines that the individual is not so eligible, the State shall provide the individual with written notice of the determination, including the reasons for such determination.

(2) SCOPE OF COVERAGE SAME AS CATEGORICALLY NEEDY.—The State shall treat Katrina Survivors as individuals eligible for medical assistance under the State plan under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), with coverage for such assistance retroactive to August 29, 2005.

(3) VERIFICATION OF STATUS AS A KATRINA SURVIVOR.—

(A) IN GENERAL.—The State shall make a good faith effort to verify the status of a Katrina Survivor enrolled in the State Medicaid plan under the provisions of this section after the determination of the eligibility of the Survivor for medical assistance under such plan.

(B) EVIDENCE OF VERIFICATION.—A State may satisfy the verification requirement under subparagraph (A) with respect to a Katrina Survivor by showing that the State providing medical assistance obtained information from the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the direct impact State.

(C) DISALLOWANCE OF PAYMENTS FOR FAILURE TO MAKE GOOD FAITH EFFORT.—If, with respect to the status of a Katrina Survivor enrolled in a State Medicaid plan, the State fails to make the good faith effort required under subparagraph (A), and the Secretary determines that the individual so enrolled is not a Katrina Survivor, the Secretary shall disallow all Federal payments made to the State that are directly attributable to medical assistance provided or administrative costs incurred with respect to the individual during the disaster relief period.

(4) PENALTY FOR FRAUDULENT APPLICATIONS.—

(A) INDIVIDUAL LIABLE FOR COSTS.—If a State, as the result of verification activities conducted under paragraph (3), determines after a fair hearing that an individual has knowingly made a false self-attestation described in paragraph (1)(B)(ii), the State may, subject to subparagraph (B), seek recovery from the individual for the full amount of the cost of medical assistance provided to the individual under this section.

(B) EXCEPTION.—The Secretary shall exempt a State from seeking recovery under subparagraph (A) if the Secretary determines that it would not be cost-effective for the State to do so.

(C) REIMBURSEMENT TO THE FEDERAL GOVERNMENT.—Any amounts recovered by a State in accordance with this paragraph shall be returned to the Federal government, except that a State's administrative costs attributable to obtaining such recovery shall be reimbursed by the Federal government in accordance with section ____04(a)(2).

(5) EXEMPTION FROM ERROR RATE PENALTIES.—All payments attributable to providing medical assistance to Katrina Survivors in accordance with this section shall be disregarded for purposes of section 1903(u) of the Social Security Act.

SEC. ____04. TEMPORARY DISASTER RELIEF FOR STATES UNDER MEDICAID.

(a) INCREASE IN FEDERAL MATCHING RATE.—

(1) 100 PERCENT FMAP FOR MEDICAL ASSISTANCE.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), the Federal medical assistance percentage for providing medical assistance under a State medicaid plan under title XIX of such Act to Katrina Survivors or, in the case of a direct impact State, to any individual who is provided medical assistance under the State medicaid plan during the disaster relief period, shall be 100 percent.

(2) 100 PERCENT FEDERAL MATCH FOR CERTAIN ADMINISTRATIVE COSTS.—Notwithstanding paragraph (7) of section 1903(a) of such Act (42 U.S.C. 1396b(a)), or any other paragraph of such section, the Federal matching rate for costs directly attributable to all administrative activities that relate to the enrollment of Katrina Survivors under section ____03 in a State medicaid plan, verification of the status of such Survivors, processing of claims for payment for medical assistance provided to such Survivors under such section, and recovery costs under section ____03(b)(4)(C), shall be 100 percent. The Secretary shall issue guidance not later 30 days after the date of enactment of this Act on the implementation of this paragraph.

(b) LIMITATION ON REDUCTION OF FMAP FOR FISCAL YEAR 2006 FOR ANY STATE.—If the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) determined for a State for fiscal year 2006 is less than the Federal medical assistance percentage determined for the State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2005 shall apply to the State for fiscal year 2006 only for purposes of title XIX of the Social Security Act.

(c) TEMPORARY SUSPENSION OF MEDICARE ''CLAWBACK'' AND POSTPONEMENT OF CUT-OFF OF MEDICAID PRESCRIPTION DRUG FUNDING IN AFFECTED STATES.—

(1) SUSPENSION IN APPLICATION OF ''CLAWBACK''.—Section 1935(c) of the Social Security Act (42 U.S.C. 1396u–5(c)) shall not apply, subject to paragraph (3), before January 2007 to a direct impact State or to a State that experiences a significant influx of Katrina Survivors.

(2) CONTINUATION OF MEDICAID DRUG COVERAGE FOR DUAL ELIGIBLES.—Section 1935(d)(1) of such Act shall also not apply, subject to paragraph (3), before January 2007 to a part D eligible individual who is a Katrina Survivor.

(3) TERMINATION OF APPLICATION OF SUBSECTION.—Paragraphs (1) and (2) shall no longer apply to a State or a Katrina Survivor, respectively, if the Secretary determines, after consultation with the State, that enrollment of all part D eligible individuals in the State under part D of title XVIII of the Social Security Act who are described in section 1935(c)(6)(A)(ii) of such Act can be achieved without a discontinuation in prescription drug coverage for any such individual.

(4) DEFINITION.—For purposes of this subsection, the term ''State that experiences a significant influx of Katrina Survivors'' means those States, including Arkansas, Florida, Oklahoma, and Texas, that the Secretary of Health and Human Services identifies as having a significant in-migration of Katrina Survivors.

SEC. ____05. ACCOMMODATION OF SPECIAL NEEDS OF KATRINA SURVIVORS UNDER MEDICARE PROGRAM..

(a) EXCLUSION OF DISASTER RELIEF PERIOD IN COMPUTING PART B LATE ENROLLMENT PENALTY.—In applying the first sentence of section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the case of a Katrina Survivor, there shall not be taken into account any month any part of which is within the disaster relief period or within the 2-month period following the end of such disaster relief period.

(b) PART D.—

(1) EXTENSION OF INITIAL ENROLLMENT PERIOD.—In the case of a Katrina Survivor, the initial enrollment period under section 1860D–1(b)(2) of the Social Security Act (42 U.S.C. 1395w–101(b)(2)) shall in no case end before May 15, 2007.

(2) FLEXIBILITY IN DOCUMENTATION FOR LOW-INCOME SUBSIDIES.—For purposes of carrying out section 1860D–14 of the Social Security Act (42 U.S.C. 1395w–114), with respect to Katrina Survivors, the Secretary of Health and Human Services shall establish documentation rules for Katrina Survivors which take into account the loss and unavailability of documents due to Hurricane Katrina.

SA 2026. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, add the following:

SEC. 8116. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', $1,000,000 may be made available for combating terrorism, technology development, for the development of scanning from a distance with backscatter imaging.

SA 2027. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, add the following:

SEC. 8116. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', $1,000,000 may be made available for Marine Corps assault vehicles for development of carbon fabric-based friction materials to optimize the cross-drive transmission brake system of the Expeditionary Fighting Vehicle.

SA 2028. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $2,000,000 may be used for Moldable Armor.

SA 2029. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. (a) 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) 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.

SA 2030. Mr. TALENT (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Beginning with the fiscal year 2006 program year, the Secretary of the Air Force shall exercise the option on the existing multiyear procurement contract for C–17 aircraft in order to enter into a multiyear contract for the procurement of 42 additional C–17 aircraft.

SA 2031. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. The report on stability and security in Iraq to be submitted under the Joint Explanatory Statement of the Committee on Conference to accompany the conference report on the bill H.R. 1268 of the 109th Congress shall include, in addition to the matters otherwise provided in that Joint Explanatory Statement the following:

(1) A statement of the number and types of Iraq security forces that, assuming progress is made in political and other areas, must be capable of operating without, or with minimal support from, the Armed Forces of the United States and coalition forces before the United States can commence a reduction of the number of members of the Armed Forces in Iraq.

(2) A projected schedule for the achievement of numbers and types of Iraq security forces meeting the goal specified in paragraph (1).

SA 2032. Mr. KERRY (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1955 proposed by Mr. WARNER (for himself and Mr. LEVIN) to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON EDUCATIONAL BENEFITS FOR VETERANS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall submit a report containing the information described in subsection (b) to—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Armed Services of the House of Representatives;

(3) the Committee on Veterans' Affairs of the Senate; and

(4) the Committee on Veterans' Affairs of the House of Representatives.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) an analysis by the Department of Defense of the effect on recruitment of educational benefits under the Montgomery GI Bill, including—

(A) the percentage of personnel who sign up for such educational benefits; and

(B) the importance of such educational benefits in the decision of an individual to enlist;

(2) an analysis by the Department of Veterans Affairs of the effect on readjustment to civilian life of educational benefits under the Montgomery GI Bill, including—

(A) the percentage who use partial benefits;

(B) the percentage who use full benefits; and

(C) the reasons that veterans choose not to use benefits;

(3) proposals for improving educational benefits in order to improve recruiting, retention, and readjustment to civilian life;

(4) cost estimates for the proposals under paragraph (3);

(5) projected costs of educational benefits under chapters 1606 and 1607 of title 10, United States Code, and section 3015 of title 38, United States Code, during each of the 5-year and 10-year periods beginning with fiscal year 2006; and

(6) projected costs under chapters 1606 and 1607 of title 10, United States Code, and section 3015 of title 38, United States Code, during each of the 5-year and 10-year periods beginning with fiscal year 2006, if the baseline 3-year active duty rate is increased to cover the average price of—

(A) a public 4-year secondary education (commuter tuition and fees, room and board, books and supplies, transportation and other expenses);

(B) a public 4-year secondary education (non-commuter tuition and fees, room and board, books and supplies, transportation and other expenses);

(C) a public 4-year secondary education (commuter tuition and fees, room and board); and

(D) a public 4-year secondary education (non-commuter tuition and fees, room and board).

(c) CALCULATION.—In calculating costs under paragraphs (5) and (6) of subsection (b)—

(1) future costs shall be adjusted for inflation using the ''college tuition and fees'' component of the Consumer Price Index; and

(2) the ratio between the cost of benefits under chapters 1606 and 1607 of title 10, United States Code, and the cost of benefits under section 3015 of title 38, United States Code, shall be the same as the ratio between such costs as of the date of enactment of this Act.

SA 2033. Mr. KERRY (for himself, Mr. KENNEDY, Mr. REED, Mr. DORGAN, Mr. JEFFORDS, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. CORZINE, Mr. KOHL, Mr. BAYH, Mr. DURBIN, Ms. CANTWELL, Mrs. CLINTON, Mr. BAUCUS, Mr. REID, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), $3,100,000,000, for the unanticipated home energy assistance needs of 1 or more States, as authorized by section 2604(e) of the Act (42 U.S.C. 8623(e)), which amount shall be made available for obligation in fiscal year 2006 and which amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. ____. Congress finds the following:

(1) An imminent emergency is confronting millions of low-income individuals in the United States who are unable to afford the cost of rising energy prices.

(2) Prior to the devastation caused by Hurricanes Katrina and Rita in the Gulf Coast region of the United States, individuals in the United States were facing record prices for oil, natural gas, and propane. Hurricane Katrina damaged platforms and ports and curtailed production at refineries in the Gulf of Mexico, the source of almost ⅓ of United States oil output, further raising energy prices.

(3) The Short Term Energy Outlook report of the Energy Information Administration of the Department of Energy states that the ranges for expected heating fuel expenditure increases for the winter heating season of 2005–2006 are—

(A) 69 percent to 77 percent for natural gas in the Midwest;

(B) 17 percent to 18 percent for electricity in the South;

(C) 29 percent to 33 percent for heating oil in the Northeast; and

(D) 39 percent to 43 percent for propane in the Midwest.

(4) According to the National Energy Assistance Directors Association, heating costs for the average family using heating oil are projected to hit $1,666 for the 2005–2006 winter heating season. Those costs would represent an increase of $403 over those costs for the 2004–2005 winter heating season, and an increase of $714 over those costs for the 2003–2004 winter heating season. For families using natural gas, prices are projected to hit $1,568 for the 2005–2006 winter heating season, representing an increase of $611 over those costs for the 2004–2005 winter heating season, and an increase of $643 over those costs for the 2003–2004 winter heating season. States need additional funding immediately to help low-income families and seniors to ensure that they can afford to heat their homes.

(5) The Mortgage Bankers Association expects that steep energy costs could increase the number of missed mortgage payments and lost homes beginning later this year.

SA 2034. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry.

SA 2035. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision this Act, none of the funds appropriated or otherwise made available under this Act may be used to fund a store located on a military installation, commissary store, exchange store, or other store under chapter 147 of title 10, United States Code, that sells any stimulant-containing dietary supplement for which it has been made known to the Department administering these funds that the manufacturer does not have a policy of submitting all reports of serious adverse events associated with such supplement to the Special Nutritional Adverse Event Monitoring System of the Center for Food Safety and Applied Nutrition of the Food and Drug Administration.

SA 2036. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Amounts appropriated by titles III and IX under the heading ''PROCUREMENT OF WEAPONS AND TRACKED VEHICLES COMBAT VEHICLES, ARMY'' and available for the Arsenal Support Program Initiative shall be allocated under that Initiative on the basis of applications submitted by facilities that have previously received funds under the Initiative.

SA 2037. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amounts appropriated by titles III and IX under the heading ''PROCUREMENT OF WEAPONS AND TRACKED VEHICLES COMBAT VEHICLES, ARMY'' and available for the Arsenal Support Program Initiative—

(1) an amount equal to one half of such amounts shall be allocated to Watervliet Arsenal, New York; and

(2) an amount equal to one half of such amounts shall be allocated to Rock Island Arsenal, Illinois.

SA 2038. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) INCREASE IN AMOUNTS FOR PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amounts appropriated by titles III and IX under the heading ''PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY'' are hereby increased by $6,000,000.

(b) AVAILABILITY OF AMOUNTS.—Of the amounts appropriated by titles III and IX under the heading ''PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY'', as increased by subsection (a), up to $6,000,000 may be used for the Arsenal Support Program Initiative and allocated so that $6,000,000 shall be available to Watervliet Arsenal, New York.

SA 2039. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, line, 21, after the word ''Freedom'', insert the following: '', along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations''

SA 2040. Mrs. CLINTON (for herself, Mr. SALAZAR, Mr. CORZINE, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LAUNTENBERG, Mr. LEAHY, Mr. CARPER, Mr. JEFFORDS, Mr. REED, Mr. HARKIN, Ms. STABENOW, Mr. OBAMA, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____ KATRINA COMMISSION

SEC. ____01. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Katrina Commission (in this title referred to as the ''Commission'').

SEC. ____02. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens who represent a diverse range of citizens and enjoy national recognition and significant depth of experience in such professions as governmental service, emergency preparedness, mitigation planning, cataclysmic planning and response, intergovernmental management, resource planning, recovery operations and planning, Federal coordination, military coordination, and other extensive natural disaster and emergency response experience.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before October 1, 2005.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. ____03. DUTIES.

The duties of the Commission are to—

(1) examine and report upon the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States of America especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath;

(2) ascertain, evaluate, and report on the information developed by all relevant governmental agencies regarding the facts and circumstances related to Hurricane Katrina prior to striking the United States and in the days and weeks following;

(3) build upon concurrent and prior investigations of other entities, and avoid unnecessary duplication concerning information related to existing vulnerabilities;

(4) make a full and complete accounting of the circumstances surrounding the approach of Hurricane Katrina to the Gulf States, and the extent of the United States government's preparedness for, and response to, the hurricane;

(5) planning necessary for future cataclysmic events requiring a significant marshaling of Federal resources, mitigation, response, and recovery to avoid significant loss of life;

(6) an analysis as to whether any decisions differed with respect to response and recovery for different communities, neighborhoods, parishes, and locations and what problems occurred as a result of a lack of a common plan, communication structure, and centralized command structure; and

(7) investigate and report to the President and Congress on its findings, conclusions, and recommendations for immediate corrective measures that can be taken to prevent problems with Federal response that occurred in the preparation for, and in the aftermath of, Hurricane Katrina so that future cataclysmic events are responded to adequately.

SEC. ____04. FUNCTIONS OF COMMISSION.

(a) IN GENERAL.—The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the catastrophic impacts that Hurricane Katrina exacted upon the Gulf Region of the United States especially in New Orleans and surrounding parishes, and impacted areas of Mississippi and Alabama; and

(B) shall include relevant facts and circumstances relating to—

(i) Federal emergency response planning and execution at the Federal Emergency Management Agency, the Department of Homeland Security, the White House, and all other Federal entities with responsibility for assisting during, and responding to, natural disasters;

(ii) military and law enforcement response planning and execution;

(iii) Federal mitigation plans, programs, and policies including prior assessments of existing vulnerabilities and exercises designed to test those vulnerabilities;

(iv) Federal, State, and local communication interoperability successes and failures;

(v) past, present, and future Federal budgetary provisions for preparedness, mitigation, response, and recovery;

(vi) the Federal Emergency Management Agency's response capabilities as an independent agency and as part of the Department of Homeland Security;

(vii) the role of congressional oversight and resource allocation;

(viii) other areas of the public and private sectors determined relevant by the Commission for its inquiry; and

(ix) long-term needs for people impacted by Hurricane Katrina and other forms of Federal assistance necessary for large-scale recovery;

(2) identify, review, and evaluate the lessons learned from Hurricane Katrina including coordination, management policies, and procedures of the Federal Government, State and local governments, and nongovernmental entities, relative to detection, planning, mitigation, asset prepositioning, and responding to cataclysmic natural disasters such as Hurricane Katrina; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

SEC. ___05. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this Act—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. ___06. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section ___10.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. ___07. STAFF OF COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with the vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. ___08. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. ___09. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this

title without the appropriate security clearances.

SEC. ___10. REPORTS OF COMMISSION; TERMINATION.

(a) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—Not later than 6 months after the date of the enactment of this title, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

SEC. ___11. FUNDING.

(a) EMERGENCY APPROPRIATION OF FUNDS.—There are authorized to be appropriated $3,000,000 for purposes of the activities of the Commission under this title and such funding is designated as emergency spending under section 402 of H. Con. Res. 95 (109th Congress).

(b) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

SA 2041. Mr. SALAZAR 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 title VII, add the following:

Subtitle D—Post Traumatic Stress Disorder and Other Mental Health Conditions

SEC. 741. MENTAL HEALTH SCREENINGS FOR POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) SCREENINGS OF MEMBERS OF ARMED FORCES.—

(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.

(2) NATURE OF SCREENINGS.—The first mental health screening of a member under this subsection shall be designed to determine the mental state of such member before deployment. Each other mental health screening of a member under this subsection shall be designated to detect symptoms or other evidence in such member of Post Traumatic Stress Disorder (PTSD), other mental health conditions, alcohol and drug abuse, and traumatic brain injury. The Secretary shall establish uniform guidelines on the scope and character of such screenings.

(3) TIME OF SCREENINGS.—A member shall receive a mental health screening under this subsection at times as follows:

(A) Prior to deployment in a combat operation or to a combat zone.

(B) Not later than 30 days after the date of the member's return from such deployment.

(C) Not later than 90 days after the date of the member's return from such deployment.

(D) Not later than 180 days after the date of the member's return from such deployment.

(E) Not later than one year after the date of the member's return from such deployment, and every year thereafter until such time as the Secretary concerned determines appropriate.

(b) OTHER SCREENINGS.—Nothing in this section shall be construed to prohibit the Secretary concerned from performing other mental health screenings or assessments of a member of the Armed Forces if circumstances so warrant.

SEC. 742. LEADERSHIP TRAINING ON POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) TRAINING REQUIRED.—Each Secretary concerned shall provide training to members of the Armed Forces who serve as commanders of military units at the company level and above on the causes, symptoms, and effects of Post Traumatic Stress Disorder (PTSD), other mental health conditions, alcohol and drug abuse, and traumatic brain injury.

(b) ELEMENTS.—The training provided under subsection (a) shall include the following:

(1) Information on the availability of mental health screenings under section 741 for members of the Armed Forces.

(2) Information on various means of encouraging members of the Armed Forces who may be experiencing Post Traumatic Stress Disorder, other mental health conditions, alcohol or drug abuse, or traumatic brain injury to seek evaluation and treatment.

(3) Such other information on Post Traumatic Stress Disorder, other mental health conditions, alcohol and drug abuse, and traumatic brain injury, and the identification, evaluation, and treatment of such conditions, as the Secretary concerned considers appropriate.

SEC. 743. TRAINING AND EDUCATION OF MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS ON POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) TRAINING FOR MEMBERS OF ARMED FORCES.—Each Secretary concerned shall provide training to members of the Armed Forces on the causes, symptoms, and effects of Post Traumatic Stress Disorder (PTSD), other mental health conditions, alcohol and drug abuse, and traumatic brain injury.

(b) EDUCATION FOR DEPENDENTS.—Each Secretary concerned shall take appropriate actions to make available to the dependents of members of the Armed Forces information on the causes, symptoms, and effects of Post Traumatic Stress Disorder, other mental health conditions, alcohol and drug abuse, and traumatic brain injury in members of the Armed Forces.

SEC. 744. TREATMENT PROGRAMS FOR POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) PROGRAMS REQUIRED.—The Secretary of Defense shall implement programs, and enhance existing programs, in order to improve the treatment provided by the Department of Defense to members of the Armed Forces for Post Traumatic Stress Disorder (PTSD), other mental health conditions, alcohol and drug abuse, and traumatic brain injury associated with service in combat. Such programs shall facilitate the participation of dependents of members of the Armed Forces in the treatment of such members for such conditions.

(b) REPORT ON PROGRAMS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the actions taken by the Secretary under subsection (a). The report shall include—

(1) a statement of the number of members of the Armed Forces currently experiencing symptoms of traumatic brain injury associated with service in combat;

(2) a description of the programs implemented or enhanced under that subsection, including a description of how such programs will improve the treatment of members of the Armed Forces for Post Traumatic Stress Disorder, other mental health conditions, alcohol or and drug abuse, or traumatic brain injury; and

(3) information on the participation of members of the Armed Forces and their dependents in such programs.

SEC. 745. COLLABORATION WITH DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Defense shall work with the National Center on Post-Traumatic Stress Disorder of the Department of Veterans Affairs in carrying out activities under this subtitle.

SEC. 746. DEFINITIONS.

In this subtitle:

(1) DEPENDENT.—The term ''dependent'', with respect to a member of the Armed Forces, has the meaning given such term in section 1072(2) of title 10, United States Code.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' has the meaning given such term in section 101(a) of title 10, United States Code.

SA 2042. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

''SEC.—. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.''

SA 2043. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 1955 proposed by Mr. WARNER (for himself and Mr. LEVIN) to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 1411. SENSE OF CONGRESS ON REQUIREMENT FOR REVERSIONARY INTEREST HOLDERS TO COMPENSATE UNITED STATES FOR IMPROVEMENTS MADE TO MILITARY INSTALLATIONS CLOSED OR REALIGNED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

It is the sense of Congress that—

(1) the closure or realignment of a military installation under the 2005 round of defense base closure and realignment does not constitute a closure determination by the Secretary of the Navy for the purpose of requiring a reversionary interest holder to provide compensation for any improvements to the military installation; and

(2) as a matter of public policy, the United States should release or otherwise relinquish any entitlement to receive, pursuant to any agreement providing for such payment, compensation from any holder of a reversionary interest in real property used by the United States for improvements made to any military installation that is closed or realigned as part of the 2005 round of defense base closure and realignment.

SA 2044. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1955 proposed by Mr. WARNER (for himself and Mr. LEVIN) to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING MANNED SPACE FLIGHT.

(a) FINDINGS.—The Congress finds that—

(1) human spaceflight preeminence allows the United States to project leadership around the world and forms an important component of United States national security;

(2) continued development of human spaceflight in low-Earth orbit, on the Moon, and beyond adds to the overall national strategic posture;

(3) human spaceflight enables continued stewardship of the region between the earth and the Moon—an area that is critical and of growing national and international security relevance;

(4) human spaceflight provides unprecedented opportunities for the United States to lead peaceful and productive international relationships with the world community in support of United States security and geopolitical objectives;

(5) a growing number of nations are pursuing human spaceflight and space-related capabilities, including China and India;

(6) past investments in human spaceflight capabilities represent a national resource that can be built upon and leveraged for a broad range of purposes, including national and economic security; and

(7) the industrial base and capabilities represented by the Space Transportation System provide a critical dissimilar launch capability for the nation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to maintain uninterrupted preeminence in human spaceflight.

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)—

(1) $360,800,000 may be made available for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan; or

(2) if the Secretary of the Army determines that such amount is not needed for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan—

(A) up to $247,100,000 may be available for the procurement of armored Tactical Wheeled Vehicles to reconstitute Army Prepositioned Stocks–5, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), and armored Heavy Tactical Vehicles (HTVs) for purposes of equipping one heavy brigade, one infantry brigade, and two infantry battalions; and

(B) up to $113,700,000 may be available for the procurement of armored Tactical Wheeled Vehicles for the Joint Readiness Training Center at Fort Polk, Louisiana, including the procurement of armored Light Tactical Vehicles, armored Medium Tactical Vehicles, and armored Heavy Tactical Vehicles for purposes of equipping one infantry brigade combat team in order to permit such vehicles to be used for the training and preparation of troops, prior to deployment, on the use of such vehicles.

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. ANNUAL REPORT ON COSTS TO CARRY OUT UNITED NATIONS RESOLUTIONS.

(a) REQUIREMENT FOR ANNUAL REPORT.—The Secretary of Defense and the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives an annual report that sets forth all direct and indirect costs (including incremental costs) incurred by the Department of Defense during the preceding year in implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, international peace enforcement operations, monitoring missions, observer missions, or humanitarian missions undertaken by the Department of Defense. Each such report shall include an aggregate of all such Department of Defense costs by operation or mission, the percentage of the United States contribution by operation or mission, and the total cost of each operation or mission.

(b) COSTS FOR ASSISTING FOREIGN TROOPS.—The Secretary of Defense and the Secretary of State shall detail in each annual report required by this section all direct and indirect costs (including incremental costs) incurred in training, equipping, and otherwise assisting, preparing, resourcing, and transporting foreign troops for implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, international peace enforcement operations, monitoring missions, observer missions, or humanitarian missions.

(c) CREDIT AND COMPENSATION.—The Secretary of Defense and the Secretary of State shall detail in each annual report required by this section all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

(d) FORM OF REPORT.—Each annual report required by this section shall be submitted in unclassified form, but may include a classified annex.

On page 237, after line 17, insert the following:

SEC. 846. EXCLUSION OF CERTAIN SECURITY EXPENSES FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)), is amended by adding at the end the following:

''(4) EXCLUSION OF CERTAIN SECURITY EXPENSES FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS SIZE STANDARDS.—

''(A) DETERMINATION REQUIRED.—Not later than 30 days after the date of enactment of this paragraph, the Administrator shall review the application of size standards established pursuant to paragraph (2) to small business concerns that are performing contracts in qualified areas and determine whether it would be fair and appropriate to exclude from consideration in the average annual gross receipts of such small business concerns any payments made to such small business concerns by Federal agencies to reimburse such small business concerns for the cost of subcontracts entered for the sole purpose of providing security services in a qualified area.

''(B) ACTION REQUIRED.—Not later than 60 days after the date of enactment of this paragraph, the Administrator shall either—

''(i) initiate an adjustment to the size standards, as described in subparagraph (A), if the Administrator determines that such an adjustment would be fair and appropriate; or

''(ii) provide a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives explaining in detail the basis for the determination by the Administrator that such an adjustment would not be fair and appropriate.

''(C) QUALIFIED AREAS.—In this paragraph, the term 'qualified area' means—

''(i) Iraq,

''(ii) Afghanistan, and

''(iii) any foreign country which included a combat zone, as that term is defined in section 112(c)(2) of the Internal Revenue Code of 1986, at the time of performance of the relevant Federal contract or subcontract.''.

On page 237, after line 17, insert the following:

SEC. 846. SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(3) SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.—

''(A) STATEMENT OF CONGRESSIONAL POLICY.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection, regardless of the geographic area in which the contracts will be performed.

''(B) AUTHORIZATION TO USE CONTRACTING MECHANISMS.—Federal agencies are authorized to use any of the contracting mechanisms authorized in this Act for the purpose of complying with the Congressional policy set forth in subparagraph (A).

''(C) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than 1 year after the date of enactment of this paragraph, the Administrator and the Chief Counsel for Advocacy shall submit to the Committee on Small Business and Entrepreneurship of the Senate and Committee on Small Business of the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.''.

On page 237, after line 17, insert the following:

SEC. 846. FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(3) FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.—

''(A) STATEMENT OF CONGRESSIONAL POLICY.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection with regard to orders under multiple-award contracts, including Federal Supply Schedule contracts and multi-agency contracts.

''(B) AUTHORIZATION FOR LIMITED COMPETITION.—The head of a contracting agency may include in any contract entered under section 2304a(d)(1)(B) or 2304b(e) of title 10, United States Code, a clause setting aside a specific share of awards under such contract pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

''(C) REPORT REQUIREMENT.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall submit a report on the level of participation of small business concerns in multiple-award contracts, including Federal Supply Schedule contracts, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(ii) CONTENTS.—The report required by clause (i) shall include, for the most recent 2-year period for which data are available—

''(I) the total number of multiple-award contracts;

''(II) the total number of small business concerns that received multiple-award contracts;

''(III) the total number of orders under multiple-award contracts;

''(IV) the total value of orders under multiple-award contracts;

''(V) the number of orders received by small business concerns under multiple-award contracts;

''(VI) the value of orders received by small business concerns under multiple-award contracts;

''(VII) the number of small business concerns that received orders under multiple-award contracts; and

''(VIII) such other information as may be relevant.''.

On page 218, strike line 1 and all that follows through page 220, line 5, and insert the following:

SEC. 814. RESEARCH AND DEVELOPMENT EFFORTS FOR PURPOSES OF SMALL BUSINESS RESEARCH.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(x) RESEARCH AND DEVELOPMENT FOCUS.—

''(1) REVISION AND UPDATE OF CRITERIA AND PROCEDURES OF IDENTIFICATION.—In carrying out subsection (g), the Secretary of Defense shall, not less often than once every 4 years, revise and update the criteria and procedures utilized to identify areas of the research and development efforts of the Department of Defense which are suitable for the provision of funds under the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

''(2) UTILIZATION OF PLANS.—The criteria and procedures described in paragraph (1) shall be developed through the use of the most current versions of the following plans:

''(A) The joint warfighting science and technology plan required under section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note).

''(B) The Defense Technology Area Plan of the Department of Defense.

''(C) The Basic Research Plan of the Department of Defense.

''(3) INPUT IN IDENTIFICATION OF AREAS OF EFFORT.—The criteria and procedures described in paragraph (1) shall include input in the identification of areas of research and development efforts described in that paragraph from Department of Defense program managers (PMs) and program executive officers (PEOs).

''(y) COMMERCIALIZATION PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary of Defense and the Secretary of each military department is authorized to create and administer a 'Commercialization Pilot Program' to accelerate the transition of technologies, products, and services developed under the Small Business Innovation Research Program to Phase III, including the acquisition process.

''(2) IDENTIFICATION OF RESEARCH PROGRAMS FOR ACCELERATED TRANSITION TO ACQUISITION PROCESS.—In carrying out the Commercialization Pilot Program, the Secretary of Defense and the Secretary of each military department shall identify research programs of the Small Business Innovation Research Program that have the potential for rapid transitioning to Phase III and into the acquisition process.

''(3) LIMITATION.—No research program may be identified under paragraph (2), unless the Secretary of the military department concerned certifies in writing that the successful transition of the program to Phase III and into the acquisition process is expected to meet high priority military requirements of such military department.

''(4) FUNDING.—For payment of expenses incurred to administer the Commercialization Pilot Program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program. Such funds—

''(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(B) shall not be used to make Phase III awards.

''(5) EVALUATIVE REPORT.—At the end of each fiscal year, the Secretary of Defense and each Secretary of a military department shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an evaluative report regarding activities under the Commercialization Pilot Program. The report shall include—

''(A) an accounting of the funds used in the Commercialization Pilot Program;

''(B) a detailed description of the Commercialization Pilot Program, including incentives and activities undertaken by acquisition program managers, program executive officers, and by prime contractors; and

''(C) a detailed compilation of results achieved by the Commercialization Pilot Program, including the number of small business concerns assisted and a number of inventions commercialized.

''(6) SUNSET.—The pilot program under this subsection shall terminate at the end of fiscal year 2009.''.

(b) IMPLEMENTATION OF EXECUTIVE ORDER 13329.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) to provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).'';

(2) in subsection (g)—

(A) in paragraph (9), by striking ''and'' at the end;

(B) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(11) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).''; and

(3) in subsection (o)—

(A) in paragraph (14), by striking ''and'' at the end;

(B) in paragraph (15), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(16) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).''.

(c) TESTING AND EVALUATION AUTHORITY.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) the term 'commercial applications' shall not be construed to exclude testing and evaluation of products, services, or technologies for use in technical or weapons systems, and further, awards for testing and evaluation of products, services, or technologies for use in technical or weapons systems may be made in either the second or the third phase of the Small Business Innovation Research Program and of the Small Business Technology Transfer Program, as defined in this subsection.''.

On page 237, after line 17, insert the following:

SEC. 846. DISASTER RELIEF FOR SMALL BUSINESS CONCERNS DAMAGED BY DROUGHT.

(a) DROUGHT DISASTER AUTHORITY.—

(1) DEFINITION OF DISASTER.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting ''(1)'' after ''(k)''; and

(B) by adding at the end the following:

''(2) For purposes of section 7(b)(2), the term 'disaster' includes—

''(A) drought; and

''(B) below average water levels in the Great Lakes, or on any body of water in the United States that supports commerce by small business concerns.''.

(2) DROUGHT DISASTER RELIEF AUTHORITY.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(A) by inserting ''(including drought), with respect to both farm-related and nonfarm-related small business concerns,'' before ''if the Administration''; and

(B) in subparagraph (B), by striking ''the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961)'' and inserting the following: ''section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), in which case, assistance under this paragraph may be provided to farm-related and nonfarm-related small business concerns, subject to the other applicable requirements of this paragraph''.

(b) LIMITATION ON LOANS.—From funds otherwise appropriated for loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), not more than $9,000,000 may be used during each of fiscal years 2005 through 2008, to provide drought disaster loans to nonfarm-related small business concerns in accordance with this section and the amendments made by this section.

(c) PROMPT RESPONSE TO DISASTER REQUESTS.—Section 7(b)(2)(D) of the Small Business Act (15 U.S.C. 636(b)(2)(D)) is

amended by striking ''Upon receipt of such certification, the Administration may'' and inserting ''Not later than 30 days after the date of receipt of such certification by a Governor of a State, the Administration shall respond in writing to that Governor on its determination and the reasons therefore, and may''.

(d) RULEMAKING.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate final rules to carry out this section and the amendments made by this section.

On page 237, after line 17, insert the following:

SEC. 846. RADIO FREQUENCY IDENTIFIER TECHNOLOGY.

(a) SMALL BUSINESS STRATEGY.—As part of implementing its requirement that contractors use radio frequency identifier technology, the Secretary of Defense shall develop and implement a strategy to educate the small business community regarding radio frequency identifier technology requirements, compliance, standards, and opportunities.

(b) REPORTING.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Small Business and Entrepreneurship and the Committee on Armed Services of the Senate and the Committee on Small Business and the Committee on Armed Services of the House of Representatives detailing the status of the efforts by the Secretary of Defense to establish requirements for radio frequency identifier technology used in Department of Defense contracting, including—

(A) standardization of the data required to be reported by such technology; and

(B) standardization of the manufacturing quality required for such technology.

(C) the status of the efforts of the Secretary of Defense to develop and implement a strategy to educate the small business community, as required by subsection (a)(2).

At the end of subtitle E of title VI, add the following:

SEC. 653. SERVICEMEMBERS RIGHTS UNDER THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968.

(a) IN GENERAL.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (II), by striking ''; and'' and inserting a semicolon;

(2) in subclause (III), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(IV) notify the homeowner by a statement or notice, written in plain English by the Secretary of Housing and Urban Development, in consultation with the Secretary of Defense and the Secretary of the Treasury, explaining the mortgage and foreclosure rights of servicemembers, and the dependents of such servicemembers, under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), including the toll-free military one source number to call if servicemembers, or the dependents of such servicemembers, require further assistance.''.

(b) NO EFFECT ON OTHER LAWS.—Nothing in this section shall relieve any person of any obligation imposed by any other Federal, State, or local law.

(c) DISCLOSURE FORM.—Not later than 150 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue a final disclosure form to fulfill the requirement of section 106(c)(5)(A)(ii)(IV) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)).

(d) EFFECTIVE DATE.—The amendments made under subsection (a) shall take effect 150 days after the date of enactment of this Act.

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.

(b) REPORT.—Not later than 90 days after the date of enactment of this 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.

At the appropriate place in title VIII, insert the following:

SEC. ___. ENSURING TRANSPARENCY IN FEDERAL CONTRACTING.

(a) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR PENALTIES AND VIOLATIONS.—(1) The Secretary of Defense shall maintain a publicly-available website that provides information on instances in which major contractors have been fined, paid penalties or restitution, settled, plead guilty to, or had judgments entered against them in connection with allegations of improper conduct. The website shall be updated not less than once a year.

(2) For the purpose of this subsection, a major contractor is a contractor that receives at least $100,000,000 in Federal contracts in the most recent fiscal year for which data are available.

(b) REPORT ON FEDERAL SOLE SOURCE CONTRACTS RELATED TO IRAQ RECONSTRUCTION.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to Congress a report on all sole source contracts in excess of $2,000,000 entered into by executive agencies in connection with Iraq reconstruction from January 1, 2003, through the date of the enactment of this Act.

(2) CONTENT.—The report submitted under paragraph (1) shall include the following information with respect to each such contract:

(A) The date the contract was awarded.

(B) The contract number.

(C) The name of the contractor.

(D) The amount awarded.

(E) A brief description of the work to be performed under the contract.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

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.

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.

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.

At the end of subtitle C of title III, add the following:

SEC. 330. PROVISION OF DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN PARALYMPIC SPORTING EVENTS.

Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c) by adding at the end the following new paragraphs:

''(4) A sporting event sanctions by the United States Olympic Committee through the Paralympic Military Program.

''(5) A national or international Paralympic sporting event (other than one covered by paragraph (3) or (4)) which is—

''(A) held in the United States or any of its territories or commonwealths;

''(B) governed by the International Paralympic Committee;

''(C) sanctioned by the United States Olympic Committee; and

''(D) for which participation exceeds 100 amateur athletes.''; and

(2) in subsection (d)—

(A) by inserting ''(1)'' before ''The Secretary''; and

(B) by adding at the end the following new paragraph:

''(2) Not more than $1,000,000 may be expended in any fiscal year to provide support for events specified under paragraph (5) of subsection (c).''.

On page 292, between lines 15 and 16, insert the following:

SEC. 1106. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST.—(1) Section 3551(2) of title 31, United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one person who, for the purpose of representing them in a protest under this subchapter that relates to such competition, has been designated as their agent by a majority of the employees of such Federal agency who are engaged in the performance of such activity or function.''.

(2)(A) Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''§ 3557. Expedited action in protests for Public-Private competitions

''For protests in cases of public-private competitions conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of Federal agencies, the Comptroller General shall administer the provisions of this subchapter in a manner best suited for expediting final resolution of such protests and final action in such competitions.''.

(B) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests for public-private competitions.''.

(b) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If a private sector interested party commences an action described in paragraph (1) in the case of a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, then an official or person described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(c) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (b)), shall apply to—

(1) protests and civil actions that challenge final selections of sources of performance of an activity or function of a Federal agency that are made pursuant to studies initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protests and civil actions that relate to public-private competitions initiated under Office of Management and Budget Circular A–76 on or after the date of the enactment of this Act.

On page 213, between lines 2 and 3, insert the following:

SEC. 807. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) Notwithstanding subsection (d), a function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

''(i) formally compares the cost of civilian employee performance of that function with the costs of performance by a contractor;

''(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003; and

''(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of $10,000,000 or 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees.

''(B) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition requirements in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

''(C) A function performed by more than 10 Federal Government employees may not be separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

''(D) The Secretary of Defense may waive the requirement for a public-private competition under subparagraph (A) in specific instances if—

''(i) the written waiver is prepared by the Secretary of Defense or the relevant Assistant Secretary of Defense, Secretary of a military department, or head of a Defense Agency;

''(ii) the written waiver is accompanied by a detailed determination that national security interests preclude compliance with the requirement for a public-private competition; and

''(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is granted, although use of the waiver need not be delayed until its publication.''.

(b) INAPPLICABILITY TO BEST-VALUE SOURCE SELECTION PILOT PROGRAM.—Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply with respect to the pilot program for best-value source selection for performance of information technology services authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1444; 10 U.S.C. 2461 note).

(c) REPEAL OF SUPERSEDED LAW.—Section 327 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note) is repealed.

SEC. 808. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) were not awarded on a competitive basis; or

(D) have been determined by a contracting officer to be poorly performed due to excessive costs or inferior quality.

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required under Office of Management and Budget Circular A–76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences, the performance by Federal Government employees of work pursuant to subsection (a) commences, or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A–76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary shall include the use of the flexible hiring authority available through the National Security Personnel System in order to facilitate performance by Federal Government employees of new requirements and work that is performed under Department of Defense contracts.

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term

in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

At the end of subtitle A of title VIII, add the following:

SEC. 807. CONTRACTING FOR PROCUREMENT OF CERTAIN SUPPLIES AND SERVICES.

(a) MODIFICATION OF LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—Section 8014(a)(3) of the Department of Defense Appropriations Act, 2005 (Public law 108–287; 118 Stat. 972) is amended—

(1) in subparagraph (A), by inserting '', payment that could be used in lieu of such a plan, health savings account, or medical savings account'' after ''health insurance plan''; and

(2) in subparagraph (B), by striking ''that requires'' and all that follows through the end and inserting ''that does not comply with the requirements of any Federal law governing the provision of health care benefits by Government contractors that would be applicable if the contractor performed the activity or function under the contract.''.

At the appropriate place in title V, insert the following:

SEC. ___. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE PARALYMPIC GAMES.

Section 717(a)(1) of title 10, United States Code, is amended by striking ''and Olympic Games'' and inserting '', Olympic Games, and Paralympic Games,''.

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.

SA 2045. Mr. FRIST (for Mr. SPECTER) proposed an amendment to the bill S. 1197, to reauthorize the Violence Against Women Act of 1994; as follows:

On page 272, line 21, strike ''a person who is 60 years'' and insert ''a person who is 50 years''.

On page 273, after line 8, insert the following:

(9A) INDIAN COUNTRY.—The term ''Indian country'' has the same meaning given such term in section 1151 of title 18, United States Code.

On page 292, lines 4 and 5, strike '', Indian tribal government,''.

On page 292, lines 6 and 7, strike '', Indian tribal government,''.

On page 292, lines 23 and 24, strike '', unit of local government, or Indian tribal government'' and insert ''or unit of local government''.

On page 293, lines 1 and 2, strike '', units of local government, and Indian tribal governments'' and insert ''and units of local government''.

On page 322, line 15, strike ''2231(b)'' and insert ''2261(b)''.

On page 362, lines 6 and 7, strike ''Services, Indian Child Welfare,'' and insert ''Service, tribal child protective services,''.

On page 419, strike line 10 and all that follows through page 425, line 16, and insert the following:

''SEC. 41404. COLLABORATIVE GRANTS TO DEVELOP LONG-TERM HOUSING FOR VICTIMS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administration of Children and Families, in consultation with the Secretary of Housing and Urban Development, shall award grants, contracts, or cooperative agreements for a period of not less than 2 years to eligible entities to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless.

''(2) AMOUNT.—The Secretary of Health and Human Services shall award funds in amounts—

''(A) not less than $25,000 per year; and

''(B) not more than $1,000,000 per year.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive funds under this section, an entity shall demonstrate that it is a coalition or partnership, applying jointly, that—

''(1) shall include a domestic violence victim service provider;

''(2) shall include—

''(A) a homeless service provider;

''(B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or

''(C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organization on tribal lands, a tribally designated housing entity or tribal housing consortium;

''(3) may include a dating violence, sexual assault, or stalking victim service provider;

''(4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;

''(5) may include a public housing agency or tribally designated housing entity;

''(6) may include tenant organizations in public or tribally designated housing, as well as nonprofit, nongovernmental tenant organizations;

''(7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development's Continuum of Care process;

''(8) may include a State, tribal, territorial, or local government or government agency; and

''(9) may include any other agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

''(c) APPLICATION.—Each eligible entity seeking funds under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to design or replicate and implement new activities, services, and programs to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless.

''(2) ACTIVITIES, SERVICES, PROGRAMS.—Such activities, services, or programs described in paragraph (1)—

''(A) shall participate in the Department of Housing and Urban Development's Continuum of Care process, unless such a process does not exist in the community to be served;

''(B) shall develop sustainable long-term housing in the community by—

''(i) coordinating efforts and resources among the various groups and organizations comprised in the entity to access existing private and public funding;

''(ii) assisting with the placement of individuals and families in long-term housing; and

''(iii) providing services to help individuals or families find and maintain long-term housing, including financial assistance and support services;

''(3) may develop partnerships with individuals, organizations, corporations, or other entities that provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

''(4) may use funds for the administrative expenses related to the continuing operation, upkeep, maintenance, and use of housing described in paragraph (3); and

''(5) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

''(e) LIMITATION.—Funds provided under paragraph (a) shall not be used for construction, modernization or renovation.

''(f) UNDERSERVED POPULATIONS AND PRIORITIES.—In awarding grants under this section, the Secretary of Health and Human Services shall—

''(1) give priority to linguistically and culturally specific services;

''(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3); and

''(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations.

''(g) DEFINITIONS.—For purposes of this section:

''(1) AFFORDABLE HOUSING.—The term 'affordable housing' means housing that complies with the conditions set forth in section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745).

''(2) LONG-TERM HOUSING.—The term 'long-term housing' means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

''(A) rented or owned by the individual;

''(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

''(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization.

''(h) EVALUATION, MONITORING, ADMINISTRATION, AND TECHNICAL ASSISTANCE.—For purposes of this section—

''(1) up to 5 percent of the funds appropriated under subsection (i) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

''(2) up to 8 percent of the funds appropriated under subsection (i) for each fiscal year may be used to provide technical assistance to grantees under this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this section.

On page 472, line 12, strike ''**TITLE VIII–PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANT WOMEN**'' and insert ''**TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS**''.

On page 473, line 5, strike ''related to'' and insert ''substantially connected to''.

On page 473, strike lines 21 through 24, and insert the following:

''(iii) if the Secretary of Homeland Security determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in clause (i)(III)(aa), the request is unreasonable.''.

On page 474, strike lines 5 through 10, and insert the following:

(1) in clause (i), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

On page 474, line 24, strike ''(including physical or electronic stalking)''.

On page 475, line 19, insert ''substantial'' before ''connection between the''

On page 476, line 15, strike ''1 year'' and insert ''2 years''.

On page 479, strike lines 5 through 25, and insert the following:

(A) in the matter preceding subclause (I), by inserting ''or the Secretary of Homeland Security, as appropriate'' after ''Attorney General''; and

(B) in subclause (II)(bb), by inserting ''or the Secretary of Homeland Security'' after ''Attorney General''.

On page 480, strike lines 11 through 14, and insert ''information.''.

On page 486, line 10, insert ''substantial'' before ''connection between the''

On page 487, lines 10 and 11, strike ''occurred before the alien overstayed the grant of voluntary departure'' and insert ''is substantially connected to the alien's overstaying the grant of voluntary departure''.

On page 488, strike beginning with line 21 through page 490, line 8.

On page 530, line 13, insert ''of the Department of Health and Human Services'' after ''Secretary''.

On page 532, line 11, strike ''representatives from''.

On page 533, line 20, strike ''for health'' and insert ''health''.

On page 539, line 22, strike ''to'' and insert ''of''.

On page 542, strike lines 20 and 21 and insert the following:

(1) in subsection (a)(1)(C), by striking ''DNA profiles'' and all that follows through '', and'';

On page 542, after line 21, insert the following:

(1A) in subsection (d)(1), by striking subparagraph (A), and inserting the following:

''(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index—

''(i) on the basis of conviction for a qualifying Federal offense or a qualifying District of Columbia offense (as determined under sections 3 and 4 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a, 14135b), respectively), if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned; or

''(ii) on the basis of an arrest under the authority of the United States, if the Attorney General receives, for each charge against the person on the basis of which the analysis was, or could have been, included in the index, a certified copy of a final court order establishing that such charge has been dismissed, has resulted in an acquittal, or that no charge was filed within the applicable time period.'';

On page 543, line 4, strike ''or resulted in an acquittal'' and insert '', or has resulted in an acquittal or that no charge was filed within the applicable time period''.

On page 543, line 24, after ''or'' insert ''from non-United States persons who are''.

EXPRESSING SYMPATHY FOR THE PEOPLE OF INDONESIA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 264, which was submitted early today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 264) expressing sympathy for the people of Indonesia in the aftermath of the deadly terrorist attacks in Bali on October 1, 2005.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 264) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 264

Whereas terrorists have planned and conducted attacks around the world since September 11, 2001, including the bombing of a night club on the Indonesian island of Bali on October 12, 2002, that killed 202 people and injured 209, the bombings of two synagogues and the British Embassy in Istanbul, Turkey, in November 2003, that killed 56 people and injured more than 450, the bombing of the train system in Madrid, Spain, on March 11, 2004, that killed more than 190 people and injured approximately 1,500, and the bombing of London's public transportation system during the morning rush hour on July 7, 2005, that killed 52 people and injured approximately 700;

Whereas terrorists have struck Indonesia on multiple occasions, including the December 5, 2002, bombing of a McDonald's restaurant on Sulawesi Island that killed 3 people and injured 11, the August 5, 2003, bombing of the J.W. Marriott Hotel in Jakarta that killed 12 people and injured 150, and the September 9, 2004, bombing of the Australian Embassy in Jakarta that killed 11 people and injured 100;

Whereas on October 1, 2005, terrorists again struck the popular Indonesian resort island of Bali, detonating explosives in three crowded restaurants that killed at least 19 innocent Indonesian civilians and foreign tourists from around the world and injuring approximately 132 others, including at least 6 citizens of the United States;

Whereas the terrorist attacks in Bali, Indonesia were senseless, barbaric, and depraved acts carried out against innocent civilians;

Whereas Indonesia is a friend and ally of the United States and in the past has endured terrorism against its civilians;

Whereas the people of the United States stand in solidarity with the people of Indonesia in fighting terrorism;

Whereas the United States immediately condemned the terrorist attacks and extended the condolences of the people of the United States to the people of Indonesia; and

Whereas Secretary of State Condoleezza Rice denounced the terrorist attacks on Bali, Indonesia, and stated, ''The United States stands with the people and government of Indonesia as they work to bring to justice those responsible for these acts of terrorism. We will continue to work together in our common fight against terror.'': Now, therefore, be it

Resolved, That the Senate—

(1) expresses deepest sympathies and condolences to the people of Indonesia and the victims and their families of the heinous terrorist attacks that occurred on the Indonesian island of Bali on October 1, 2005;

(2) condemns these barbaric and unwarranted attacks on the innocent people of Indonesia and foreign tourists;

(3) expresses strong and continued solidarity with the people of Indonesia in opposing extremism and pledges to remain shoulder-to-shoulder with the people of Indonesia to bring the terrorists responsible for these and other brutal acts of violence to justice; and

(4) calls upon the international community to renew and strengthen efforts to—

(A) defeat terrorists by dismantling terrorist networks and exposing the violent and nihilistic ideology of terrorism;

(B) increase international cooperation to advance personal and religious freedoms, ethnic and racial tolerance, political liberty and pluralism, and economic prosperity; and

(C) combat the social injustice, oppression, poverty, and extremism that contributes to terrorism.

VIOLENCE AGAINST WOMEN ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 205, S. 1197.

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

The assistant legislative clerk read as follows:

A bill (S. 1197) to reauthorize the Violence Against Women Act of 1994.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1197

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 ''Violence Against Women Act of 2005''.

[SEC. 2. TABLE OF CONTENTS.

[The table of contents for this Act is as follows:

[Sec. 1. Short title.
[Sec. 2. Table of contents.
[Sec. 3. Universal definitions and grant provisions.
[TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN
[Sec. 101. Stop grants improvements.

[Sec. 102. Grants to encourage arrest and enforce protection orders improvements.
[Sec. 103. Legal assistance for victims improvements.
[Sec. 104. Ensuring crime victim access to legal services.
[Sec. 105. The Violence Against Women Act court training and improvements.
[Sec. 106. Full faith and credit improvements.
[Sec. 107. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.
[Sec. 108. Sex offender management.
[Sec. 109. Stalker database.
[Sec. 110. Federal victim assistants reauthorization.
[Sec. 111. Grants for law enforcement training programs.
[Sec. 112. Reauthorization of the Court-Appointed Special Advocate Program.
[Sec. 113. Preventing cyberstalking.
[Sec. 114. Criminal provision relating to stalking.
[Sec. 115. Repeat offender provision.
[Sec. 116. Prohibiting dating violence.
[Sec. 117. Prohibiting violence in special maritime and territorial jurisdiction.

[TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

[Sec. 201. Findings.
[Sec. 202. Sexual assault services program.
[Sec. 203. Amendments to the rural domestic violence and child abuse enforcement assistance program.
[Sec. 204. Training and services to end violence against women with disabilities.
[Sec. 205. Training and services to end violence against women in later life.
[Sec. 206. Strengthening the national domestic violence hotline.

[TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

[Sec. 301. Findings.
[Sec. 302. Rape prevention and education.
[Sec. 303. Services, education, protection, and justice for young victims of violence.
[Sec. 304. Grants to reduce violence against women on campus.
[Sec. 305. Juvenile justice.
[Sec. 306. Safe havens.

[TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

[Sec. 401. Preventing violence against women and children.
[Sec. 402. Study conducted by the Centers for Disease Control and Prevention.

[TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

[Sec. 501. Findings.
[Sec. 502. Purpose.
[Sec. 503. Training and education of health professionals in domestic and sexual violence.
[Sec. 504. Grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking grants.
[Sec. 505. Research on effective interventions in the healthcare setting.

[TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

[Sec. 601. Addressing the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.
[Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking.
[Sec. 603. Public and Indian housing authority plans reporting requirement.
[Sec. 604. Housing strategies.
[Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act.
[Sec. 606. Amendments to the low-income housing assistance voucher program.
[Sec. 607. Amendments to the public housing program.

[TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

[Sec. 701. Emergency leave.
[Sec. 702. Grant for national clearinghouse and resource center on workplace responses to assist victims of domestic and sexual violence.

[TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANT WOMEN

[Subtitle A—Victims of Crime

[Sec. 801. Treatment of spouse and children of victims.
[Sec. 802. Presence of victims of a severe form of trafficking in persons.
[Sec. 803. Adjustment of status for victims of trafficking.
[Sec. 804. Protection and assistance for victims of trafficking.
[Sec. 805. Protecting victims of child abuse.
[Sec. 806. Ensuring crime victim access to legal services.

[Subtitle B—VAWA Self-Petitioners

[Sec. 811. Definition of VAWA self-petitioner.
[Sec. 812. Application to fiancees who do not marry within 90-day period.
[Sec. 813. Application in case of voluntary departure.
[Sec. 814. Removal proceedings.
[Sec. 815. Eliminating abusers' control over applications for adjustments of status.
[Sec. 816. Application for VAWA-related relief.
[Sec. 817. Self-petitioning parents.
[Sec. 818. VAWA confidentiality nondisclosure.

[Subtitle C—Miscellaneous Amendments

[Sec. 821. Duration of T and U visas.
[Sec. 822. Technical correction to references in application of special physical presence and good moral character rules.
[Sec. 823. Petitioning rights of certain former spouses under Cuban adjustment.
[Sec. 824. Self-petitioning rights of HRIFA applicants.
[Sec. 825. Deportation proceedings.
[Sec. 826. Limitations on enforcement.
[Sec. 827. Protecting abused juveniles.
[Sec. 828. Rulemaking.

[TITLE IX—SAFETY FOR INDIAN WOMEN

[Sec. 901. Findings.
[Sec. 902. Purposes.
[Sec. 903. Consultation.
[Sec. 904. Analysis and research on violence against Indian women.
[Sec. 905. Tracking of violence against Indian women.
[Sec. 906. Tribal deputy in the Office on Violence Against Women.
[Sec. 907. Enhanced criminal law resources.
[Sec. 908. Domestic assault by an habitual offender.

[SEC. 3. UNIVERSAL DEFINITIONS AND GRANT PROVISIONS.

[(a) IN GENERAL.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding after Section 40001 the following:

"[Sec. 40002. DEFINITIONS AND GRANT PROVISIONS.

[''(a) DEFINITIONS.—In this Title:

[''(1) COURTS.—The term 'courts' means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

[''(2) CHILD MALTREATMENT.—The term 'child maltreatment' means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

[''(3) COURT-BASED AND COURT-RELATED PERSONNEL.—The term 'court-based' and 'court-related personnel' mean persons working in the court, whether paid or volunteer, including—

[''(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

[''(B) court security personnel;

[''(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

[''(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

[''(4) DOMESTIC VIOLENCE.—The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult, youth, or child victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies.

[''(5) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and existence of such a relationship based on a consideration of—

[''(A) the length of the relationship;

[''(B) the type of relationship; and

[''(C) the frequency of interaction between the persons involved in the relationship.

[''(6) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

[''(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

[''(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

[''(i) The length of the relationship.

[''(ii) The type of relationship.

[''(iii) The frequency of interaction between the persons involved in the relationship.

[''(7) ELDER ABUSE.—The term 'elder abuse' means any action against a person who is 60 years of age or older that constitutes the willful—

[''(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

[''(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

[''(8) INDIAN.—The term 'Indian' means a member of an Indian tribe.

[''(9) INDIAN HOUSING.—The term 'Indian housing' means housing assistance described in the Native American Assistance and Self-Determination Act of (25 U.S.C. 4101 et seq., as amended).

[''(10) INDIAN TRIBE.—The term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

[''(11) INDIAN LAW ENFORCEMENT.—The term 'Indian law enforcement' means the departments or individuals under the direction of the Indian tribe that maintain public order.

[''(12) LAW ENFORCEMENT.—The term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in Section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

[''(13) LEGAL ASSISTANCE.—The term 'legal assistance' includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

[''(A) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

[''(B) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy.

[''(14) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term 'linguistically and culturally specific services' means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward racial and ethnic populations and other underserved communities.

[''(15) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

[''(A) a first and last name;

[''(B) a home or other physical address;

[''(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

[''(D) a social security number; and

[''(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

[''(16) PROSECUTION.—The term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs).

[''(17) PROTECTION ORDER OR RESTRAINING ORDER.—The term 'protection order' or 'restraining order' includes—

[''(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

[''(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

[''(18) RURAL AREA AND RURAL COMMUNITY.—The term 'rural area' and 'rural community' mean—

[''(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

[''(B) any area or community, respectively, that is—

[''(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

[''(ii) located in a rural census tract.

[''(19) RURAL STATE.—The term 'rural State' means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

[''(20) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of Title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

[''(21) STALKING.—The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

[''(A) fear for his or her safety or the safety of others; or

[''(B) suffer substantial emotional distress.

[''(22) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and except as otherwise provided, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

[''(23) STATE DOMESTIC VIOLENCE COALITION.—The term 'State domestic violence coalition' means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)).

[''(24) STATE SEXUAL ASSAULT COALITION.—The term 'State sexual assault coalition' means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

[''(25) TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term 'territorial domestic violence or sexual assault coalition' means a program addressing domestic violence that is—

[''(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

[''(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

[''(26) TRIBAL COALITION.—The term 'tribal coalition' means—

[''(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian and Alaskan Native women; or

[''(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian and Alaskan Native women.

[''(27) TRIBAL GOVERNMENT.—The term 'tribal government' means—

[''(A) the governing body of an Indian tribe; or

[''(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

[''(28) TRIBAL ORGANIZATION.—The term 'tribal organization' means—

[''(A) the governing body of any Indian tribe;

[''(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

[''(C) any tribal nonprofit organization.

[''(29) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.

[''(30) VICTIM ADVOCATE.—The term 'victim advocate' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

[''(31) VICTIM ASSISTANT.—The term 'victim assistant' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

[''(32) VICTIM SERVICES OR VICTIM SERVICE PROVIDER.—The term 'victim services' or 'victim service provider' means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence women's shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

[''(33) YOUTH.—The term 'youth' means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

[''(b) GRANT CONDITIONS.—

[''(1) MATCH.—No matching funds shall be required for a grant or subgrant made under this title for any unit of local government, tribe, territory, or victim service provider.

[''(2) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

[''(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantee and subgrantees under this title shall protect the confidentiality and privacy of persons receiving services.

[''(B) NONDISCLOSURE.—Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

[''(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or

[''(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program.

[''(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

[''(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information;

[''(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information; and

[''(iii) consent for release may not be given by the abuser of the minor, person with disabilities, or the abuser of the other parent of the minor.

[''(D) INFORMATION SHARING.—Grantees and subgrantees may share—

[''(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

[''(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

[''(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

[''(3) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

[''(4) NON-SUPPLANTATION.—Any Federal funds received under this title shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities under this title.

[''(5) USE OF FUNDS.—Funds authorized and appropriated under this title may be used only for the specific purposes described in this title and shall remain available until expended.''.

[''(c) REPORTS.—An entity receiving a grant under this title shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require.

[''(d) EVALUATION.—Federal agencies disbursing funds under this title shall set aside up to 3 percent of such funds in order to conduct—

[''(1) evaluations of specific programs or projects funded by the disbursing agency under this title or related research; or

[''(2) evaluations of promising practices or problems emerging in the field or related research, in order to inform the agency or agencies as to which programs or projects are likely to be effective or responsive to needs in the field.''.

[(b) DEFINITIONS IN CRIME CONTROL ACT.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting before section 2001 the following:

["SEC. 2000. DEFINITIONS.

[''In this title the definitions in Section 40002 of the Violence Against Women Act of 1994 shall apply.''.

[(c) DEFINITIONS IN 2000 ACT.—Section 1002 of the Violence Against Women Act of 2002 (42 U.S.C. 3796-gg note) is amended to read as follows:

["SEC. 1002. DEFINITIONS.

[''In this division the definitions in Section 40002 of the Violence Against Women Act of 1994 shall apply.''.

[TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

[SEC. 101. STOP GRANTS IMPROVEMENTS.

[(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended by striking ''$185,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$225,000,000 for each of fiscal years 2006 through 2010''.

[(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

[(1) in paragraph (10), by striking ''and'' after the semicolon;

[(2) in paragraph (11), by striking the period and inserting ''; and''; and

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

[''(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families.''.

[(c) CLARIFICATION OF ACTIVITIES REGARDING UNDERSERVED POPULATIONS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

[(1) in subsection (c)(2), by inserting before the semicolon the following: ''and describe how the State will address the needs of racial and ethnic populations and underserved populations''; and

[(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

[''(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund linquistically and culturally specific services and activities for underserved populations are distributed equally among those populations.''.

[(d) TRIBAL AND TERRITORIAL SETASIDES.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

[(1) in subsection (b)—

[(A) in paragraph (1), by striking ''5 percent'' and inserting ''10 percent'';

[(B) in paragraph (2), striking by ''1/54'' and inserting ''1/56'';

[(C) in paragraph (3), by striking ''and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54'' and inserting ''coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56'';

[(D) in paragraph (4), by striking ''1/54'' and inserting ''1/56'';

[(E) in paragraph (5), by striking ''and'' after the semicolon; and

[(F) in paragraph (6), by striking the period and inserting ''; and'';

[(2) in subsection (d)—

[(A) in paragraph (2), by striking ''and'' after the semicolon;

[(B) in paragraph (3), by striking the period and inserting ''; and''; and

[(C) by adding at the end the following:

[''(4) documentation showing that tribal, territorial, State or local prosecution, law enforcement, and court and victim service providers have consulted with tribal, territorial, State, or local victim services programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.''.

[(e) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended by adding at the end the following:

[''(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—

[''(1) IN GENERAL.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees, subgrantees and other entities.

[''(2) INDIAN TRAINING.—The Director of the Office on Violence Against Women shall ensure that training or technical assistance regarding violence against Indian women will be developed and provided by entities having expertise in tribal law and culture.''.

[(f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by adding at the end the following:

[''(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State or Indian tribal government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

[''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a State, Indian tribal government, or territorial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.

[''(e) JUDICIAL NOTIFICATION.—

[''(1) IN GENERAL.—A State, Indian tribal government, or unit of local government shall not be entitled to funds under this part unless the State, Indian tribal government, or unit of local government—

[''(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in Section 922(g)(8) and (g)(9) of Title 18, United States Code, and any applicable related Federal, State, or local laws; or

[''(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—

[''(i) the period ending on the date on which the next session of the State legislature ends; or

[''(ii) 2 years.

[''(2) REDISTRIBUTION.—Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to other States, units of local government, and Indian tribal governments, pro rata.''.

[(g) POLYGRAPH TESTING PROHIBITION.—Part T of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

["SEC. 2012. POLYGRAPH TESTING PROHIBITION.

[''(a) IN GENERAL.—In order to be eligible for grants under this part, a State, Indian tribal government, territorial government, or unit of local government must certify within 3 years of the date of enactment of this section that their laws, policies, or practices ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

[''(b) PROSECUTION.—The refusal of a victim to submit to an examination described in subsection (a) shall not prevent the investigation, charging, or prosecution of the offense.''.

[SEC. 102. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

[(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking ''$65,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$75,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this paragraph shall remain available until expended.''.

[(b) GRANTEE REQUIREMENTS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

[(1) in subsection (a), by striking ''to treat domestic violence as a serious violation'' and inserting ''to treat domestic violence, dating violence, sexual assault, and stalking as serious violations'';

[(2) in subsection (b)—

[(A) in the matter before paragraph (1), by inserting after ''State'' the following: '', tribal, territorial,'';

[(B) in paragraph (1), by—

[(i) striking ''mandatory arrest or''; and

[(ii) striking ''mandatory arrest programs and'';

[(C) in paragraph (2), by—

[(i) inserting after ''educational programs,'' the following: ''protection order registries,'';

[(ii) striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking'';

[(D) in paragraph (3), by—

[(i) striking ''domestic violence cases'' and inserting ''domestic violence, dating violence, sexual assault, and stalking cases''; and

[(ii) striking ''groups'' and inserting ''teams'';

[(E) in paragraph (5), by striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking'';

[(F) in paragraph (6), by—

[(i) striking ''other'' and inserting ''civil''; and

[(ii) inserting after ''domestic violence'' the following: '', dating violence, sexual assault, and stalking''; and

[(G) by adding at the end the following:

[''(9) To develop State, territorial, or local policies, procedures, and protocols, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

[''(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from nonprofit, non-governmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families.

[''(11) To develop and implement policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.'';

[(3) in subsection (c)—

[(A) in paragraph (3), by striking ''and'' after the semicolon;

[(B) in paragraph (4), by striking the period and inserting ''; and''; and

[(C) by adding at the end the following:

[''(5) certify, not later than 3 years after the date of enactment of this section, that their laws, policies, or practices ensure that—

[''(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; and

[''(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation of the offense.''; and

[(4) by striking subsections (d) and (e) and inserting the following:

[''(d) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.''.

[(c) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after ''involving domestic violence'' the following: '', dating violence, sexual assault, or stalking''.

[(d) TRAINING, TECHNICAL ASSISTANCE, CONFIDENTIALITY.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

["SEC. 2106. TRAINING AND TECHNICAL ASSISTANCE.

[''Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees and other entities to offer services and assistance to victims of domestic violence and dating violence.''.

[SEC. 103. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

[Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

[(1) in subsection (a), by—

[(A) inserting before ''legal assistance'' the following: ''civil and criminal'';

[(B) inserting after ''effective aid to'' the following: ''adult and youth''; and

[(C) inserting at the end the following: ''Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.'';

[(2) in subsection (c), by inserting ''and tribal organizations, territorial organizations'' after ''Indian tribal governments'';

[(3) in subsection (d)—

[(A) by striking paragraph (2) and inserting the following:

[''(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials; and

[(B) in paragraph (4), by inserting ''dating violence,'' after ''domestic violence,'';

[(4) in subsection (e), by inserting ''dating violence,'' after ''domestic violence,''; and

[(5) in subsection (f)—

[(A) by striking paragraph (1) and inserting the following:

[''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $65,000,000 for each of fiscal years 2006 through 2010.''; and

[(B) in paragraph (2)(A), by—

[(i) striking ''5 percent'' and inserting ''10 percent''; and

[(ii) inserting ''adult and youth'' after ''that assist''.

[SEC. 104. ENSURING CRIME VICTIM ACCESS TO LEGAL SERVICES.

[(a) IN GENERAL.—Section 502 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2510) is amended—

[(1) in subsection (a)(2)(C)—

[(A) in the matter preceding clause (i), by striking ''using funds derived from a source other than the Corporation to provide'' and inserting ''providing'';

[(B) in clause (i), by striking ''in the United States'' and all that follows and inserting ''or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)); or''; and

[(C) in clause (ii), by striking ''has been battered'' and all that follows and inserting '', without the active participation of the alien, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under Section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).''; and

[(2) in subsection (b)(2), by striking ''described in such subsection'' and inserting '', sexual assault or trafficking, or the crimes listed in Section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii))''.

[(b) SAVINGS PROVISION.—Nothing in this Act, or the amendments made by this Act,

shall be construed to restrict the legal assistance provided to victims of trafficking and certain family members authorized under Section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)).

[SEC. 105. THE VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.

[(a) VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

["Subtitle J—Violence Against Women Act Court Training and Improvements

["SEC. 41001. SHORT TITLE.

["This subtitle may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'.

["SEC. 41002. PURPOSE.

["The purpose of this subtitle is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking to be used for—

["(1) improved internal civil and criminal court functions, responses, practices, and procedures;

["(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality, and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

["(3) collaboration and training with Federal, State, and local public agencies and officials and nonprofit, nongovernmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial, and local law;

["(4) enabling courts or court-based or court-related programs to develop new or enhance current—

["(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services);

["(B) community-based initiatives within the court system (such as court watch programs, victim assistants, or community-based supplementary services);

["(C) offender management, monitoring, and accountability programs;

["(D) safe and confidential information-storage and -sharing databases within and between court systems;

["(E) education and outreach programs to improve community access, including enhanced access for racial and ethnic communities and underserved populations; and

["(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking; and

["(5) providing technical assistance to Federal, State, tribal, territorial, or local courts wishing to improve their practices and procedures or to develop new programs.

["SEC. 41003. GRANT REQUIREMENTS.

["Grants awarded under this subtitle shall be subject to the following conditions:

["(1) ELIGIBLE GRANTEES.—Eligible grantees may include—

["(A) Federal, State, tribal, territorial, or local courts or court-based programs; and

["(B) national, State, tribal, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

["(2) CONDITIONS OF ELIGIBILITY.—To be eligible for a grant under this section, applicants shall certify in writing that—

["(A) any courts or court-based personnel working directly with or making decisions about adult or minor parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking;

["(B) any education program developed under Section 41002 has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition; and

["(C) the grantee's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue.

["SEC. 41004. NATIONAL EDUCATION CURRICULA.

["(a) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

["(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

["(1) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

["(2) if the primary grantee does not have demonstrated expertise with such issues, shall be developed by the primary grantee in partnership with an organization having such expertise.

["SEC. 41005. TRIBAL CURRICULA.

["(a) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

["(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

["(1) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; and

["(2) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

["SEC. 41006. AUTHORIZATION OF APPROPRIATIONS.

["(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2006 to 2010.

["(b) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.

["(c) SET ASIDE.—Of the amounts made available under this subsection in each fiscal year, not less than 10 percent shall be used for grants to tribes.''.

[SEC. 106. FULL FAITH AND CREDIT IMPROVEMENTS.

[(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2265 of Title 18, United States Code, is amended by—

[(1) striking ''or Indian tribe'' each place it appears and inserting '', Indian tribe, or territory''; and

[(2) striking ''State or tribal'' each place it appears and inserting ''State, tribal, or territorial''.

[(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking ''and enforced as if it were'' and inserting ''and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were''.

[(c) LIMITS ON INTERNET PUBLICATION OF PROTECTION ORDER INFORMATION.—Section 2265(d) of title 18, United States Code, is amended by adding at the end the following:

[''(3) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—A State, Indian tribe, or territory shall not publish publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.''.

[(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended—

[(1) by striking paragraph (5) and inserting the following:

[''(5) PROTECTION ORDER.—The term 'protection order' includes—

[''(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

[''(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.''; and

[(2) in clauses (i) and (ii) of paragraph (7)(A), by striking ''2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser'' and inserting ''2261A—

[''(I) a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or

[''(II) a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship''.

[SEC. 107. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

[The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

[''Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

[''SEC. 41101. GRANTS TO PROTECT THE PRIVACY AND CONFIDENTIALITY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

[''The Attorney General, through the Director of the Office on Violence Against Women, may award grants under this subtitle to States, tribes, territories, or local agencies or nonprofit, nongovernmental organizations to ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence shall not be released or disclosed to the detriment of such victimized persons.

[''SEC. 41102. PURPOSE AREAS.

[''Grants made under this subtitle may be used—

[''(1) to develop or improve protocols, procedures, and policies for the purpose of preventing the release of personally identifying information of victims (such as developing alternative identifiers);

[''(2) to defray the costs of modifying or improving existing databases, registries, and victim notification systems to ensure that personally identifying information of victims is protected from release, unauthorized information sharing and disclosure;

[''(3) to develop confidential opt out systems that will enable victims of violence to make a single request to keep personally identifying information out of multiple databases, victim notification systems, and registries; or

[''(4) to develop safe uses of technology (such as notice requirements regarding electronic surveillance by government entities), to protect against abuses of technology (such as electronic or GPS stalking), or providing training for law enforcement on high tech electronic crimes of domestic violence, dating violence, sexual assault, and stalking.

[''SEC. 41103. ELIGIBLE ENTITIES.

[''Entities eligible for grants under this subtitle include—

[''(1) jurisdictions or agencies within jurisdictions having authority or responsibility for developing or maintaining public databases, registries or victim notification systems;

[''(2) nonprofit nongovernmental victim advocacy organizations having expertise regarding confidentiality, privacy, and information technology and how these issues are likely to impact the safety of victims;

[''(3) States or State agencies;

[''(4) local governments or agencies;

[''(5) tribal governments, agencies, or organizations;

[''(6) territorial governments, agencies, or organizations; or

[''(7) nonprofit nongovernmental victim advocacy organizations, including statewide domestic violence and sexual assault coalitions.

[''SEC. 41104. GRANT CONDITIONS.

[''Applicants described in paragraphs (3) through (7) shall demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization in order to develop safe, confidential, and effective protocols, procedures, policies, and systems for protecting personally identifying information of victims.

[''SEC. 41105. AUTHORIZATION OF APPROPRIATIONS.

[''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2006 through 2010.

[''(b) TRIBAL ALLOCATION.—Of the amount made available under this section in each fiscal year, 10 percent shall be used for grants for programs that assist victims of domestic violence, dating violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

[''(c) TECHNICAL ASSISTANCE AND TRAINING.—Of the amount made available under this section in each fiscal year, not less than 5 percent shall be used for grants to organizations that have expertise in confidentiality, privacy, and technology issues impacting victims of domestic violence, dating violence, sexual assault, and stalking to provide technical assistance and training to grantees and non-grantees on how to improve safety, privacy, confidentiality, and technology to protect victimized persons.''.

[SEC. 108. SEX OFFENDER MANAGEMENT.

[Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

[''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2010.''.

[SEC. 109. STALKER DATABASE.

[Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

[(1) by striking ''2001'' and inserting ''2006''; and

[(2) by striking ''2006'' and inserting ''2010''.

[SEC. 110. FEDERAL VICTIM ASSISTANTS REAUTHORIZATION.

[Section 40114 of the Violence Against Women Act of 1994 (Public Law 103–322) is amended to read as follows:

[''SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

[''There are authorized to be appropriated for the United States attorneys for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2006 through 2010.''.

[SEC. 111. GRANTS FOR LAW ENFORCEMENT TRAINING PROGRAMS.

[(a) DEFINITIONS.—In this section:

[(1) ACT OF TRAFFICKING.—The term ''act of trafficking'' means an act or practice described in paragraph (8) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

[(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State or a local government.

[(3) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.

[(4) VICTIM OF TRAFFICKING.—The term ''victim of trafficking'' means a person subjected to an act of trafficking.

[(b) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities to provide training to State and local law enforcement personnel to identify and protect victims of trafficking.

[(c) USE OF FUNDS.—A grant awarded under this section shall be used to—

[(1) train law enforcement personnel to identify and protect victims of trafficking, including training such personnel to utilize Federal, State, or local resources to assist victims of trafficking;

[(2) train law enforcement or State or local prosecutors to identify, investigate, or prosecute acts of trafficking; or

[(3) train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking.

[(d) RESTRICTIONS.—

[(1) ADMINISTRATIVE EXPENSES.—An eligible entity that receives a grant under this section may use not more than 5 percent of the total amount of such grant for administrative expenses.

[(2) NONEXCLUSIVITY.—Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c).

[(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2010 to carry out the provisions of this section.

[SEC. 112. REAUTHORIZATION OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

[(a) FINDINGS.—Section 215 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011) is amended by striking paragraphs (1) and (2) and inserting the following:

[''(1) Court Appointed Special Advocates, who may serve as guardians ad litem, are trained volunteers appointed by courts to advocate for the best interests of children who are involved in the juvenile and family court system due to abuse or neglect;

[''(2) the National Court Appointed Special Advocate Association maintains a system of accountability, including standards, quality assurance, training, and technical assistance for a network of 70,000 volunteers in more than 850 programs operating in 49 States, the District of Columbia, and the Virgin Islands; and

[''(3) in 2003, Court Appointed Special Advocate volunteers represented 288,000 children, more than 50 percent of the estimated 540,000 children in foster care because of substantiated cases of child abuse or neglect.''.

[(b) IMPLEMENTATION DATE.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking ''January 1, 1995'' and inserting ''January 1, 2010''.

[(c) CLARIFICATION OF PROGRAM GOALS.—Section 217 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13013) is amended—

[(1) in subsection (a), by striking ''to expand'' and inserting ''to initiate, sustain, and expand'';

[(2) subsection (b)—

[(A) in paragraph (1), by striking ''to initiate or expand'' and inserting ''to initiate, sustain, and expand''; and

[(B) in paragraph (2), by—

[(i) striking ''(1)(a)'' and inserting ''(1)(A)''; and

[(ii) striking ''to initiate and to expand'' and inserting ''to initiate, sustain, and expand''; and

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

[''(d) BACKGROUND CHECKS.—State and local Court Appointed Special Advocate programs are authorized to request criminal background checks from the Federal Bureau of Investigation National Crime Information Center for prospective volunteers. The requesting program is responsible for the reasonable costs associated with the Federal records check.''.

[(d) REAUTHORIZATION.—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

[''(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle $17,000,000 for each of fiscal years 2006 through 2010.''.

[SEC. 113. PREVENTING CYBERSTALKING.

[(a) IN GENERAL.—Paragraph (1) of section 223(h) of the Communications Act of 1934 (47 U.S.C. 223(h)(1)) is amended—

[(1) in subparagraph (A), by striking ''and'' at the end;

[(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

[(3) by adding at the end the following new subparagraph:

[''(C) in the case of subparagraph (C) of subsection (a)(1), includes any device or software that can be used to originate telecommunications or other types of communications that are transmitted, in whole or in part, by the Internet (as such term is defined in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note)).''.

[(b) RULE OF CONSTRUCTION.—This section and the amendment made by this section may not be construed to affect the meaning given the term ''telecommunications device'' in section 223(h)(1) of the Communications Act of 1934, as in effect before the date of the enactment of this section.

[SEC. 114. CRIMINAL PROVISION RELATING TO STALKING.

[(a) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

[''§ 2261A. Stalking

[''Whoever—

[''(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, place under surveillance, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, or causes substantial emotional harm to that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or

[''(2) with the intent—

[''(A) to kill, injure, harass, place under surveillance, intimidate, or cause substantial emotional harm to a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

[''(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—

[''(i) that person;

[''(ii) a member of the immediate family (as defined in section 115 of that person; or

[''(iii) a spouse or intimate partner of that person;

[uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that causes substantial emotional harm to that person or places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii) of subparagraph (B);

[shall be punished as provided in section 2261(b) of this title.''.

[SEC. 115. REPEAT OFFENDER PROVISION.

[Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

[''§ 2265A. Repeat offender provision

[''The maximum term of imprisonment for a violation of this chapter after a prior interstate domestic violence offense (as defined in section 2261) or interstate violation of protection order (as defined in section 2262) or interstate stalking (as defined in sections 2261A(a) and 2261A(b)) may be twice the term otherwise provided for the violation.''.

[SEC. 116. PROHIBITING DATING VIOLENCE.

[(a) IN GENERAL.—Section 2261(a) of title 18, United States Code, is amended—

[(1) in paragraph (1), striking ''or intimate partner'' and inserting '', intimate partner, or dating partner''; and

[(2) in paragraph (2), striking ''or intimate partner'' and inserting '', intimate partner, or dating partner''.

[(b) DEFINITION.—Section 2266 of title 18, United States Code, is amended by adding at the end the following:

[''(10) DATING PARTNER.—The term 'dating partner' refers to person who is or has been in a social relationship of a romantic or intimate nature with the abuser and the existence of such a relationship based on a consideration of—

[''(A) the length of the relationship; and

[''(B) the type of relationship; and

[''(C) the frequency of interaction between the persons involved in the relationship.''.

[SEC. 117. PROHIBITING VIOLENCE IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

[(a) DOMESTIC VIOLENCE.—Section 2261(a)(1) of title 18, United States Code, is amended by inserting after ''Indian country'' the following: ''or within the special maritime and territorial jurisdiction of the United States''.

[(b) PROTECTION ORDER.—Section 2262(a)(1) of title 18, United States Code, is amended by inserting after ''Indian country'' the following: ''or within the special maritime and territorial jurisdiction of the United States''.

[TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

[SEC. 201. FINDINGS.

[Congress finds the following:

[(1) Nearly ⅓ of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives.

[(2) According to the National Crime Victimization Survey, 248,000 Americans 12 years of age and older were raped or sexually assaulted in 2002.

[(3) Rape and sexual assault in the United States is estimated to cost $127,000,000,000 per year, including—

[(A) lost productivity;

[(B) medical and mental health care;

[(C) police and fire services;

[(D) social services;

[(E) loss of and damage to property; and

[(F) reduced quality of life.

[(4) Nonreporting of sexual assault in rural areas is a particular problem because of the high rate of nonstranger sexual assault.

[(5) Geographic isolation often compound the problems facing sexual assault victims. The lack of anonymity and accessible support services can limit opportunities for justice for victims.

[(6) Domestic elder abuse is primarily family abuse. The National Elder Abuse Incidence Study found that the perpetrator was a family member in 90 percent of cases.

[(7) Barriers for older victims leaving abusive relationships include—

[(A) the inability to support themselves;

[(B) poor health that increases their dependence on the abuser;

[(C) fear of being placed in a nursing home; and

[(D) ineffective responses by domestic abuse programs and law enforcement.

[(8) Disabled women comprise another vulnerable population with unmet needs. Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others.

[(9) Many women with disabilities also fail to report the abuse, since they are dependent on their abusers and fear being abandoned or institutionalized.

[(10) Of the 598 battered women's programs surveyed—

[(A) only 35 percent of these programs offered disability awareness training for their staff; and

[(B) only 16 percent dedicated a staff member to provide services to women with disabilities.

[(11) Problems of domestic violence are exacerbated for immigrants when spouses control the immigration status of their family members, and abusers use threats of refusal to file immigration papers and threats to deport spouses and children as powerful tools to prevent battered immigrant women from seeking help, trapping battered immigrant women in violent homes because of fear of deportation.

[(12) Battered immigrant women who attempt to flee abusive relationships may not have access to bilingual shelters or bilingual professionals, and face restrictions on public or financial assistance. They may also lack assistance of a certified interpreter in court, when reporting complaints to the police or a 9-1-1 operator, or even in acquiring information about their rights and the legal system.

[(13) More than 500 men and women call the National Domestic Violence Hotline every day to get immediate, informed, and confidential assistance to help deal with family violence.

[(14) The National Domestic Violence Hotline service is available, toll-free, 24 hours a day and 7 days a week, with bilingual staff, access to translators in 150 languages, and a TTY line for the hearing-impaired.

[(15) With access to over 5,000 shelters and service providers across the United States, Puerto Rico, and the United States Virgin Islands, the National Domestic Violence Hotline provides crisis intervention and immediately connects callers with sources of help in their local community.

[(16) Approximately 60 percent of the callers indicate that calling the Hotline is their first attempt to address a domestic violence situation and that they have not called the police or any other support services.

[(17) Between 2000 and 2003, there was a 27 percent increase in call volume at the National Domestic Violence Hotline.

[(18) Improving technology infrastructure at the National Domestic Violence Hotline and training advocates, volunteers, and other staff on upgraded technology will drastically increase the Hotline's ability to answer more calls quickly and effectively.

[SEC. 202. SEXUAL ASSAULT SERVICES PROGRAM.

[Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting after section 2012, as added by this Act, the following:

[''SEC. 2013. SEXUAL ASSAULT SERVICES.

[''(a) PURPOSES.—The purposes of this section are—

[''(1) to assist States, tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

[''(A) adult, youth, and child victims of sexual assault;

[''(B) family and household members of such victims; and

[''(C) those collaterally affected by the victimization, except for the perpetrator of such victimization;

[''(2) to provide for technical assistance and training relating to sexual assault to—

[''(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

[''(B) professionals working in legal, social service, and health care settings;

[''(C) nonprofit organizations;

[''(D) faith-based organizations; and

[''(E) other individuals and organizations seeking such assistance.

[''(b) GRANTS TO STATES AND TERRITORIES.—

[''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

[''(2) ALLOCATION AND USE OF FUNDS.—

[''(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

[''(B) GRANT FUNDS.—Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for programs and activities within such State or territory that provide direct intervention and related assistance.

[''(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

[''(i) 24 hour hotline services providing crisis intervention services and referral;

[''(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

[''(iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;

[''(iv) information and referral to assist the sexual assault victim and family or household members;

[''(v) community-based, linguistically and culturally specific services and support mechanisms, including outreach activities for racial and ethnic, and other underserved communities; and

[''(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

[''(3) APPLICATION.—

[''(A) IN GENERAL.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require.

[''(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

[''(i) set forth procedures designed to assure meaningful involvement of the State or territorial sexual assault coalition and representatives from racial and ethnic and other underserved communities in the development of the application and the implementation of the plans;

[''(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

[''(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

[''(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

[''(4) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 0.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriations.

[''(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

[''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

[''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

[''(A) be a private nonprofit organization that focuses primarily on racial and ethnic communities;

[''(B) must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

[''(C) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific racial and ethnic communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of racial and ethnic populations; and

[''(D) have an advisory board or steering committee and staffing which is reflective of the targeted racial and ethnic community.

[''(3) AWARD BASIS.—The Attorney General shall award grants under this section on a competitive basis.

[''(4) DISTRIBUTION.—

[''(A) The Attorney General shall not use more than 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

[''(B) Up to 5 percent of funds appropriated under this section in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within racial and ethnic communities.

[''(5) TERM.—The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

[''(6) REPORTING.—Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities out with such grant funds.

[''(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

[''(1) GRANTS AUTHORIZED.—

[''(A) IN GENERAL.—The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

[''(B) MINIMUM AMOUNT.—Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

[''(C) ELIGIBLE APPLICANTS.—Each of the State, territorial, and tribal sexual assault coalitions.

[''(2) USE OF FUNDS.—Grant funds received under this subsection may be used to—

[''(A) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

[''(B) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

[''(C) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

[''(D) design and conduct public education campaigns;

[''(E) plan and monitor the distribution of grants and grant funds to their State, territory, or tribe; or

[''(F) collaborate with and inform Federal, State, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

[''(3) ALLOCATION AND USE OF FUNDS.—From amounts appropriated for grants under this subsection for each fiscal year—

[''(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions;

[''(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of those States and territorial coalitions.

[''(4) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

[''(5) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

[''(e) GRANTS TO TRIBES.—

[''(1) GRANTS AUTHORIZED.—The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of a sexual assault programs or projects in Indian country and Alaskan native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

[''(2) ALLOCATION AND USE OF FUNDS.—

[''(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

[''(B) GRANT FUNDS.—Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

[''(f) AUTHORIZATION OF APPROPRIATIONS.—

[''(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2006 through 2010 to carry out the provisions of this section.

[''(2) ALLOCATIONS.—Of the total amounts appropriated for each fiscal year to carry out this section—

[''(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

[''(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

[''(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

[''(D) not less than 7 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

[''(E) not less than 7 percent shall be used for grants to tribes under subsection (c); and

[''(F) not less than 7 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).''.

[SEC. 203. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

[Section 40295 of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

["SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

[''(a) PURPOSES.—The purposes of this section are—

[''(1) to identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among—

[''(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

[''(B) law enforcement agencies;

[''(C) prosecutors;

[''(D) courts;

[''(E) other criminal justice service providers;

[''(F) human and community service providers;

[''(G) educational institutions; and

[''(H) health care providers;

[''(2) to establish and expand nonprofit, nongovernmental, State, tribal, territorial, and local government victim services in rural communities to child, youth, and adult victims; and

[''(3) to increase the safety and well-being of women and children in rural communities, by—

[''(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

[''(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

[''(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the 'Director'), may award grants to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

[''(1) implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

[''(2) providing treatment, counseling, advocacy, and other long- and short-term assistance to adult and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities; and

[''(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

[''(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

[''(d) ALLOTMENTS AND PRIORITIES.—

[''(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

[''(2) ALLOTMENT FOR SEXUAL ASSAULT SERVICES.—Not less than 25 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants that meaningfully address sexual assault in rural communities.

[''(3) ALLOTMENT FOR TECHNICAL ASSISTANCE.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for technical assistance costs.

[''(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to racial, ethnic, and other underserved populations.

[''(5) ALLOCATION OF FUNDS FOR RURAL STATES.—Not less than 75 percent of the total amount made available for each fiscal year to carry out this section shall be allocated to eligible entities located in rural States.

[''(e) AUTHORIZATION OF APPROPRIATIONS.—

[''(1) IN GENERAL.—There are authorized to be appropriated $55,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.

[''(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.''.

[SEC. 204. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN WITH DISABILITIES.

[(a) IN GENERAL.—Section 1402 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–7) is amended to read as follows:

["SEC. 1402. EDUCATION, TRAINING, AND ENHANCED SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

[''(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities—

[''(1) to provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against women and girls who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

[''(2) to enhance direct services to such individuals.

[''(b) USE OF FUNDS.—Grants awarded under this section shall be used—

[''(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled women and girls;

[''(2) to conduct outreach activities to ensure that disabled women and girls who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

[''(3) to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for disabled women and girls;

[''(4) to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled women and girls;

[''(5) to provide training and technical assistance on the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including—

[''(A) the Americans with Disabilities Act of 1990; and

[''(B) section 504 of the Rehabilitation Act of 1973;

[''(6) to rehabilitate facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled women and girls;

[''(7) to provide advocacy and intervention services for disabled women and girls who are victims of domestic violence, dating violence, stalking, or sexual assault; or

[''(8) to develop model programs providing advocacy and intervention services within organizations serving disabled women and girls who are victims of domestic violence, dating violence, sexual assault, or stalking.

[''(c) ELIGIBLE ENTITIES.—

[''(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

[''(A) a State;

[''(B) a unit of local government;

[''(C) an Indian tribal government or tribal organization; or

[''(D) a nonprofit and nongovernmental victim services organization, such as a State domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled women and girls.

[''(2) LIMITATION.—A grant awarded for the purpose described in subsection (b)(8) shall only be awarded to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–5).

[''(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that the needs of underserved populations are being addressed.

[''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.''.

[SEC. 205. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN IN LATER LIFE.

[(a) TRAINING PROGRAMS.—Section 40802 of the Violence Against Women Act of 1994 (42 U.S.C. 14041a) is amended to read as follows:

["SEC. 40802. ENHANCED TRAINING AND SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN LATER IN LIFE.

[''(a) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, may award grants, which may be used for—

[''(1) training programs to assist law enforcement, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect and exploitation, including domestic violence or sexual assault, against victims who are 60 years of age or older;

[''(2) providing or enhancing services for victims of elder abuse, neglect, and exploitation, including domestic and sexual violence, who are 60 years of age or older;

[''(3) increasing the physical accessibility of buildings in which services are or will be rendered for victims of elder abuse, neglect, and exploitation, including domestic and sexual violence, who are 60 years of age or older;

[''(4) creating or supporting multidisciplinary collaborative community responses to victims of elder abuse, neglect, and exploitation, including domestic and sexual violence, who are 60 years of age or older; and

[''(5) conducting cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving victims of domestic and sexual abuse who are 60 years of age or older.

[''(b) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under this section if the entity is—

[''(1) a State;

[''(2) a unit of local government;

[''(3) an Indian tribal government or tribal organization; or

[''(4) a nonprofit and nongovernmental victim services organization with demonstrated experience in assisting elderly women or demonstrated experience in addressing domestic violence or sexual assault.''.

[(c) AUTHORIZATION OF APPROPRIATIONS.—Section 40803 of the Violence Against Women Act of 1994 (42 U.S.C. 14041b) is amended by striking ''$5,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$10,000,000 for each of the fiscal years 2006 through 2010''.

[SEC. 206. STRENGTHENING THE NATIONAL DOMESTIC VIOLENCE HOTLINE.

[Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

[(1) in subsection (d), by adding at the end the following:

[''(5) provide technology and telecommunication training and assistance for advocates, volunteers, staff, and others affiliated with the hotline so that such persons are able to effectively use improved equipment made available through the Connections Campaign.''; and

[(2) in subsection (g)—

[(A) in paragraph (1), by striking ''$3,500,000'' and all that follows and inserting ''$5,000,000 for each of fiscal years 2006 through 2010.'';

[(B) by striking paragraph (2); and

[(C) by redesignating paragraph (3) as paragraph (2).

[TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

[SEC. 301. FINDINGS.

[Congress finds the following:

[(1) Youth, under the age of 18, account for 67 percent of all sexual assault victimizations reported to law enforcement officials.

[(2) The Department of Justice consistently finds that young women between the ages of 16 and 24 experience the highest rate of non-fatal intimate partner violence.

[(3) In 1 year, over 4,000 incidents of rape or sexual assault occurred in public schools across the country.

[(4) Young people experience particular obstacles to seeking help. They often do not have access to money, transportation, or shelter services. They must overcome issues such as distrust of adults, lack of knowledge about available resources, or pressure from peers and parents.

[(5) A needs assessment on teen relationship abuse for the State of California, funded by the California Department of Health Services, identified a desire for confidentiality and confusion about the law as 2 of the most significant barriers to young victims of domestic and dating violence seeking help.

[(6) Only one State specifically allows for minors to petition the court for protection orders.

[(7) Many youth are involved in dating relationships, and these relationships can include the same kind of domestic violence and dating violence seen in the adult population. In fact, more than 40 percent of all incidents of domestic violence involve people who are not married.

[(8) 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend, and 13 percent of college women report being stalked.

[(9) Of college women who said they had been the victims of rape or attempted rape, 12.8 percent of completed rapes, 35 percent of attempted rapes, and 22.9 percent of threatened rapes took place on a date. Almost 60 percent of the completed rapes that occurred on campus took place in the victim's residence.

[(10) According to a 3-year study of student-athletes at 10 Division I universities, male athletes made up only 3.3 percent of the general male university population, but they accounted for 19 percent of the students reported for sexual assault and 35 percent of domestic violence perpetrators.

[SEC. 302. RAPE PREVENTION AND EDUCATION.

[Section 393B(c) of part J of title III of the Public Health Service Act (42 U.S.C. 280b–1c(c)) is amended to read as follows:

[''(c) AUTHORIZATION OF APPROPRIATIONS.—

[''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $80,000,000 for each of fiscal years 2006 through 2010.

[''(2) NATIONAL SEXUAL VIOLENCE RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not less than $1,500,000 shall be available for allotment under subsection (b).''.

[SEC. 303. SERVICES, EDUCATION, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

[The Violence Against Women Act of 1994 (Public Law 103–322, Stat. 1902 et seq.) is amended by adding at the end the following:

[''Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

[''SEC. 41201. SERVICES TO ADVOCATE FOR AND RESPOND TO TEENS.

[''(a) GRANTS AUTHORIZED.—The Secretary of the Department of Health and Human Services (in this section referred to as the 'Secretary'), acting through the Family and Youth Services Bureau, in consultation with the Department of Justice, shall award grants to eligible entities to conduct programs to serve victims of domestic violence, dating violence, sexual assault, and stalking who are between the ages of 12 and 24. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

[''(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

[''(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking;

[''(2) a community-based organization specializing in intervention or violence prevention services for youth;

[''(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

[''(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic or sexual abuse.

[''(c) USE OF FUNDS.—

[''(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

[''(2) TYPES OF PROGRAMS.—Such a program—

[''(A) shall provide direct counseling and advocacy for teens and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

[''(B) shall include linguistically, culturally, and community relevant services for racial, ethnic, and other underserved populations or linkages to existing services in the community tailored to the needs of underserved populations;

[''(C) may include mental health services for teens and young adults who have experienced domestic violence, dating violence, sexual assault, or stalking;

[''(D) may include legal advocacy efforts on behalf of minors and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

[''(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

[''(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

[''(d) AWARDS BASIS.—

[''(1) GRANTS TO INDIAN TRIBES.—Not less than 7 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

[''(2) ADMINISTRATION.—The Secretary shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

[''(3) TECHNICAL ASSISTANCE.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

[''(e) TERM.—The Secretary shall make the grants under this section for a period of 3 fiscal years.

[''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2006 through 2010.

[''SEC. 41202. ACCESS TO JUSTICE FOR TEENS.

[''(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve young victims of dating violence, domestic violence, sexual assault, and stalking who are between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of domestic violence, dating violence, sexual assault, and stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions.

[''(b) GRANT AUTHORITY.—

[''(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the 'Director'), shall make grants to eligible entities to carry out the purposes of this section.

[''(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 2 fiscal years.

[''(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that—

[''(A) shall include a victim service provider that has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people;

[''(B) shall include a court; and

[''(C) may include—

[''(i) batterer intervention programs or sex offender treatment programs with specialized knowledge and experience working with youth offenders;

[''(ii) community-based youth organizations that deal specifically with the concerns and problems faced by youth, including programs that target teen parents and racial, ethnic, and other underserved communities;

[''(iii) schools or school-based programs designed to provide prevention or intervention services to youth experiencing problems;

[''(iv) faith-based entities that deal with the concerns and problems faced by youth;

[''(v) healthcare entities eligible for reimbursement under title XVIII of the Social Security Act, including providers that target the special needs of youth;

[''(vi) education programs on HIV and other sexually transmitted diseases that are designed to target teens; or

[''(vii) Indian Health Services, Indian Child Welfare, the Bureau of Indian Affairs, or the Federal Bureau of Investigations.

[''(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts—

[''(1) addressing domestic violence, dating violence, sexual assault, and stalking, assessing and analyzing currently available services for youth and young adult victims, determining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

[''(2) to establish and enhance linkages and collaboration between—

[''(A) domestic violence and sexual assault service providers; and

[''(B) where applicable, law enforcement agencies, courts, Federal agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of abuse, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions—

[''(i) to respond effectively and comprehensively to the varying needs of young victims of abuse;

[''(ii) to include linguistically, culturally, and community relevant services for racial, ethnic, and other underserved populations or linkages to existing services in the community tailored to the needs of underserved populations; and

[''(iii) to include where appropriate legal assistance, referral services, and parental support;

[''(3) to educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, Indian child welfare agencies, youth organizations, schools, healthcare providers, and other community prevention and intervention programs to responsibly address minor victims and perpetrators of domestic violence, dating violence, sexual assault, and stalking;

[''(4) to identify, assess, and respond appropriately to dating violence, domestic violence, sexual assault, or stalking against minors and young adults and meet the needs of young victims of violence; and

[''(5) to provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault, and stalking and ensure necessary services dealing with the health and mental health of victims are available.

[''(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

[''(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

[''(f) DISTRIBUTION.—In awarding grants under this section—

[''(1) not less than 7 percent of funds appropriated under this section in any year shall be available for grants to collaborations involving tribal courts, tribal coalitions, tribal organizations, or domestic violence or sexual assault service providers the primary purpose of which is to provide culturally relevant services to American Indian or Alaska Native women or youth;

[''(2) the Director shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

[''(3) the Attorney General of the United States shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

[''(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

[''(g) DISSEMINATION OF INFORMATION.—Not later than 12 months after the end of the grant period under this section, the Director shall prepare, submit to Congress, and make widely available, including through electronic means, summaries that contain information on—

[''(1) the activities implemented by the recipients of the grants awarded under this section; and

[''(2) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their impact on young victims by—

[''(A) the staffs of courts;

[''(B) domestic violence, dating violence, sexual assault, and stalking service providers; and

[''(C) law enforcement agencies and community organizations.

[''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 in each of fiscal years 2006 through 2010.

[''SEC. 41203. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

[''(a) PURPOSE.—The purpose of this section is to support efforts by child welfare agencies, domestic violence or dating violence victim services providers, courts, law enforcement, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

[''(b) GRANTS AUTHORIZED.—The Secretary of the Department of Health and Human Services (in this section referred to as the 'Secretary'), through the Family and Youth Services Bureau, and in consultation with the Office on Violence Against Women, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

[''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Secretary shall—

[''(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

[''(2) set aside not more than 7 percent for grants to programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

[''(3) set aside up to 8 percent for technical assistance and training to be provided by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, which technical assistance and training may be offered to jurisdictions in the process of developing community responses to families in which children are exposed to child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

[''(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Secretary shall consider the needs of racial, ethnic, and other underserved populations.

[''(e) GRANT AWARDS.—The Secretary shall award grants under this section for periods of not more than 2 fiscal years.

[''(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

[''(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

[''(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

[''(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

[''(B) domestic violence or dating violence in child protection cases; and

[''(C) the needs of both the child and nonabusing parent;

[''(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and nonabusing parents and caretakers;

[''(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve both child and adult victims;

[''(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

[''(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of racial and ethnic minorities in the court and child welfare system; and

[''(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult and youth victims and their children, legal assistance and advocacy for adult and youth victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to racial and ethnic populations, and other necessary supportive services.

[''(i) GRANTEE REQUIREMENTS.—

[''(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, consistent with the requirements described herein. The application shall—

[''(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

[''(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

[''(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

[''(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

[''(A) shall include a State or local child welfare agency or Indian Tribe;

[''(B) shall include a domestic violence or dating violence victim service provider;

[''(C) shall include a law enforcement agency or Bureau of Indian Affairs providing tribal law enforcement;

[''(D) may include a court; and

[''(E) may include any other such agencies or private nonprofit organizations and faith-based organizations, including community-based organizations, with the capacity to provide effective help to the child and adult victims served by the collaboration.''.

[SEC. 304. GRANTS TO REDUCE VIOLENCE AGAINST WOMEN ON CAMPUS.

[Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended—

[(1) in subsection (a)(2), by adding at the end the following: ''The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than $500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.'';

[(2) in subsection (b)—

[(A) in paragraph (2)—

[(i) by inserting ''develop and implement campus policies, protocols, and services that'' after ''boards to''; and

[(ii) by adding at the end the following: ''Within 90 days after the date of enactment of the Violence Against Women Act of 2005, the Attorney General shall issue and make available minimum standards of training relating to violent crimes against women on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.'';

[(B) in paragraph (4), by striking all that follows ''strengthen'' and inserting: ''victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, or sexual assault, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any entities carrying out nonprofit and other victim services programs, including sexual assault, domestic violence, and dating violence victim services programs in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph.'';

[(C) by striking paragraphs (6) and (8);

[(D) by redesignating paragraphs (7), (9), and (10) as paragraphs (6), (7), and (8), respectively;

[(3) in subsection (c), by striking paragraph (2)(B) and inserting the following:

[''(B) include proof that the institution of higher education collaborated with any nonprofit, nongovernmental entities carrying out other victim services programs, including sexual assault, domestic violence, and dating violence victim services programs in the community in which the institution is located;'';

[(4) in subsection (d)—

[(A) by striking paragraph (4);

[(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

[(C) by inserting after paragraph (1) the following:

[''(2) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

[''(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantee and subgrantees under this title shall protect the confidentiality and privacy of persons receiving services.

[''(B) NONDISCLOSURE.—Subject to subparagraph (C), grantees and subgrantees shall not—

[''(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or

[''(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program.

[''(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

[''(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

[''(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

[''(D) INFORMATION SHARING.—Grantees and subgrantees may share—

[''(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

[''(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

[''(iii) law-enforcement and prosecution-generated information for law enforcement and prosecution purposes.

[''(E) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

[''(i) a first and last name;

[''(ii) a home or other physical address;

[''(iii) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

[''(iv) a social security number; and

[''(v) any other information, including, date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of clauses (i) through (iv), would serve to identify any individual.''; and

[(5) in subsection (g), by—

[(A) striking ''$10,000,000'' and inserting ''$15,000,000'';

[(B) striking ''2001'' and inserting ''2006''; and

[(C) striking ''2005'' and inserting ''2010''.

[SEC. 305. JUVENILE JUSTICE.

[(a) STATE PLANS.—Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

[(1) in paragraph (7)(B)—

[(A) by redesignating clauses (i), (ii) and (iii), as clauses (ii), (iii), and (iv), respectively; and

[(B) by inserting before clause (ii) the following:

[''(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females;''.

[(b) USE OF FUNDS.—Section 223(a)(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(9)) is amended—

[(1) in subparagraph (R), by striking ''and'' at the end;

[(2) in subparagraph (S), by striking the period at the end and inserting ''; and''; and

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

[''(T) developing and adopting policies to prohibit disparate treatment of female juveniles in placement and treatment, and establishing gender-specific services to ensure that female juveniles have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, education in parenting, education in general, and other training and vocational services.''.

[SEC. 306. SAFE HAVENS.

[Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

[(1) by striking the section heading and inserting the following:

["SEC. 10402. SAFE HAVENS FOR CHILDREN.";

[(2) in subsection (a)—

[(A) by inserting '', through the Director of the Office on Violence Against Women,'' after ''Attorney General'';

[(B) by inserting ''dating violence,'' after ''domestic violence,'';

[(C) by striking ''to provide'' and inserting the following:

[''(1) to provide'';

[(D) by striking the period at the end and inserting a semicolon; and

[(E) by adding at the end the following:

[''(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

[''(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

[''(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.''; and

[(3) by striking subsection (e) and inserting the following:

[''(e) AUTHORIZATION OF APPROPRIATIONS.—

[''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended.

[''(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

[''(A) set aside not less than 5 percent for grants to Indian tribal governments or tribal organizations;

[''(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

[''(C) set aside not more than 8 percent for technical assistance and training to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.''.

[TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

[SEC. 401. PREVENTING VIOLENCE AGAINST WOMEN AND CHILDREN.

[The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

[''Subtitle M—Strengthening America's Families by Preventing Violence Against Women and Children

[''SEC. 41301. FINDINGS.

[''Congress finds that—

[''(1) the former United States Advisory Board on Child Abuse suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country;

[''(2) studies suggest that as many as 10,000,000 children witness domestic violence every year;

[''(3) studies suggest that among children and teenagers, recent exposure to violence in the home was a significant factor in predicting a child's violent behavior;

[''(4) a study by the Nurse-Family Partnership found that children whose parents did not participate in home visitation programs that provided coaching in parenting skills, advice and support, were almost 5 times more likely to be abused in their first 2 years of life;

[''(5) a child's exposure to domestic violence seems to pose the greatest independent risk for being the victim of any act of partner violence as an adult;

[''(6) children exposed to domestic violence are more likely to believe that using violence is an effective means of getting one's needs met and managing conflict in close relationships;

[''(7) children exposed to abusive parenting, harsh or erratic discipline, or domestic violence are at increased risk for juvenile crime; and

[''(8) in a national survey of more than 6,000 American families, 50 percent of men who frequently assaulted their wives also frequently abused their children.

[''SEC. 41302. PURPOSE.

[''The purpose of this subtitle is to—

[''(1) prevent crimes involving violence against women, children, and youth;

[''(2) increase the resources and services available to prevent violence against women, children, and youth;

[''(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

[''(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

[''(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

[''(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence against women and children.

[''SEC. 41303. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

[''(a) GRANTS AUTHORIZED.—

[''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Administration for Children, Youth, and Families of the Department of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

[''(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

[''(3) AWARD BASIS.—The Director shall award grants—

[''(A) considering the needs of underserved populations;

[''(B) awarding not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year;

[''(C) awarding up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year; and

[''(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

[''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.

[''(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

[''(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker; or

[''(2) training, coordination, and advocacy for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection.

[''(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a—

[''(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, childcare, faith-based organizations, after school programs, and health and mental health providers; or

[''(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

[''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

[''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

[''(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

[''(A) enhance or ensure the safety and security of children who have been or are being exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

[''(B) ensure linguistically, culturally, and community relevant services for racial, ethnic, and other underserved communities.

[''SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

[''(a) GRANTS AUTHORIZED.—

[''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Administration for Children, Youth, and Families of the Department of Health and Human Services, shall award grants on a competitive basis to home visitation programs, in collaboration with victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

[''(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

[''(3) AWARD BASIS.—The Director shall—

[''(A) consider the needs of underserved populations;

[''(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

[''(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

[''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2006 through 2010.

[''(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

[''(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

[''(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

[''(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

[''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

[''(2) describe in the application the policies and procedures that the entity has or will adopt to—

[''(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

[''(B) ensure linguistically, culturally, and community relevant services for racial ethnic and other underserved communities;

[''(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

[''(i) safely screen for and/or recognize domestic violence, dating violence, sexual assault, and stalking;

[''(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing parent or caretaker in response to violence against anyone in the household; and

[''(iii) link new parents with existing community resources in communities where resources exist; and

[''(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.

[''SEC. 41305. ENGAGING MEN AND YOUTH IN PREVENTING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

[''(a) GRANTS AUTHORIZED.—

[''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Administration for Children, Youth, and Families of the Department of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to engaging men and youth in preventing domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

[''(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

[''(3) AWARD BASIS.—The Director shall award grants—

[''(A) considering the needs of underserved populations;

[''(B) awarding not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

[''(C) awarding up to 8 percent for the funding of technical assistance for grantees and non-grantees working in this area from the amounts made available under this section for a fiscal year.

[''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.

[''(c) USE OF FUNDS.—

[''(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities for—

[''(A) to develop or enhance community-based programs, including gender-specific programs in accordance with applicable laws that—

[''(i) encourage children and youth to pursue nonviolent relationships and reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

[''(ii) that include at a minimum—

[''(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

[''(II) strategies to help participants be as safe as possible; or

[''(B) create public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent violence against women and girls conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

[''(2) MEDIA LIMITS.—No more than 40 percent of funds received by a grantee under this section may be used to create and distribute media materials.

[''(d) ELIGIBLE ENTITIES.—

[''(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

[''(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

[''(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

[''(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

[''(D) a program that provides culturally specific services.

[''(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

[''(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

[''(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

[''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

[''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

[''(2) describe in the application the policies and procedures that the entity has or will adopt to—

[''(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

[''(B) ensure linguistically, culturally, and community relevant services for racial, ethnic, and other underserved communities;

[''(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

[''(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.''.

[SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

[(a) PURPOSES.—The Secretary of Health and Human Services acting through the National Center for Injury Prevention and Control at the Centers for Disease Control Prevention shall make grants to entities, including sexual assault coalitions and programs, research organizations, tribal organizations, and academic institutions to support research to examine prevention and intervention programs to further the understanding of sexual and domestic violence by and against adults, youth, and children.

[(b) USE OF FUNDS.—The research conducted under this section shall include the following areas:

[(1) Evaluation and study of best practices for reducing and preventing violence against women and children addressed by the strategies included in this title, including strategies addressing racial, ethnic, and other underserved communities.

[(2) An evaluation of the efficacy and effectiveness of interventions and policies targeting offenders and potential offenders to prevent perpetration of sexual and domestic violence.

[(3) An examination of the social norms and family structure that support sexual and domestic violence and to evaluate strategies to change them.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated to carry out this title $2,000,000 for each of the fiscal years 2006 through 2010.

[TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

[SEC. 501. FINDINGS.

[Congress makes the following findings:

[(1) The health-related costs of intimate partner violence in the United States exceed $5,800,000,000 annually.

[(2) Thirty-seven percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend.

[(3) In addition to injuries sustained during violent episodes, physical and psychological abuse is linked to a number of adverse physical and mental health effects. Women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse and sexually transmitted infections, including HIV/AIDS.

[(4) Health plans spend an average of $1,775 more a year on abused women than on general enrollees.

[(5) Each year about 324,000 pregnant women in the United States are battered by the men in their lives. This battering leads to complications of pregnancy, including low weight gain, anemia, infections, and first and second trimester bleeding.

[(6) Pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other pregnancy-related cause, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.

[(7) Children who witness domestic violence are more likely to exhibit behavioral

and physical health problems including depression, anxiety, and violence towards peers. They are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.

[(8) Recent research suggests that women experiencing domestic violence significantly increase their safety-promoting behaviors over the short- and long-term when health care providers screen for, identify, and provide followup care and information to address the violence.

[(9) Currently, only about 10 percent of primary care physicians routinely screen for intimate partner abuse during new patient visits and 9 percent routinely screen for intimate partner abuse during periodic checkups.

[(10) Recent clinical studies have proven the effectiveness of a 2-minute screening for early detection of abuse of pregnant women. Additional longitudinal studies have tested a 10-minute intervention that was proven highly effective in increasing the safety of pregnant abused women. Comparable research does not yet exist to support the effectiveness of screening men.

[(11) Seventy to 81 percent of the patients studied reported that they would like their healthcare providers to ask them privately about intimate partner violence.

[SEC. 502. PURPOSE.

[It is the purpose of this title to improve the health care system's response to domestic violence, dating violence, sexual assault, and stalking through the training and education of health care providers, developing comprehensive public health responses to violence against women and children, increasing the number of women properly screened, identified, and treated for lifetime exposure to violence, and expanding research on effective interventions in the health care setting.

[SEC. 503. TRAINING AND EDUCATION OF HEALTH PROFESSIONALS IN DOMESTIC AND SEXUAL VIOLENCE.

[Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

["SEC. 758. INTERDISCIPLINARY TRAINING AND EDUCATION ON DOMESTIC VIOLENCE AND OTHER TYPES OF VIOLENCE AND ABUSE.

[''(a) GRANTS.—The Secretary, acting through the Director of the Health Resources and Services Administration, shall award grants under this section to develop interdisciplinary training and education programs that provide undergraduate, graduate, post-graduate medical, nursing (including advanced practice nursing students), and other health professions students with an understanding of, and clinical skills pertinent to, domestic violence, sexual assault, stalking, and dating violence.

[''(b) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall—

[''(1) be an accredited school of allopathic or osteopathic medicine;

[''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

[''(A) information to demonstrate that the applicant includes the meaningful participation of a school of nursing and at least one other school of health professions or graduate program in public health, dentistry, social work, midwifery, or behavioral and mental health;

[''(B) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant to other interested medical and nursing schools and national resource repositories for materials on domestic violence and sexual assault; and

[''(C) a plan for consulting with, and compensating community-based coalitions or individuals who have experience and expertise in issues related to domestic violence, sexual assault, dating violence, and stalking for services provided under the program carried out under the grant.

[''(c) USE OF FUNDS.—

[''(1) REQUIRED USES.—Amounts provided under a grant under this section shall be used to—

[''(A) fund interdisciplinary training and education projects that are designed to train medical, nursing, and other health professions students and residents to identify and provide health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have experienced domestic violence, sexual assault, and stalking or dating violence; and

[''(B) plan and develop culturally competent clinical components for integration into approved residency training programs that address health issues related to domestic violence, sexual assault, dating violence, and stalking, along with other forms of violence as appropriate, and include the primacy of victim safety and confidentiality.

[''(2) PERMISSIVE USES.—Amounts provided under a grant under this section may be used to—

[''(A) offer community-based training opportunities in rural areas for medical, nursing, and other students and residents on domestic violence, sexual assault, stalking, and dating violence, and other forms of violence and abuse, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas; or

[''(B) provide stipends to students from racial and ethnic population groups who are underrepresented in the health professions as necessary to promote and enable their participation in clerkships, preceptorships, or other offsite training experiences that are designed to develop health care clinical skills related to domestic violence, sexual assault, dating violence, and stalking.

[''(3) REQUIREMENTS.—

[''(A) CONFIDENTIALITY AND SAFETY.—Grantees under this section shall ensure that all educational programs developed with grant funds address issues of confidentiality and patient safety, and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security of the patients, patient records, and staff. Advocacy-based coalitions or other expertise available in the community shall be consulted on the development and adequacy of confidentially and security procedures, and shall be fairly compensated by grantees for their services.

[''(B) RURAL PROGRAMS.—Rural training programs carried out under paragraph (2)(A) shall reflect adjustments in protocols and procedures or referrals that may be needed to protect the confidentiality and safety of patients who live in small or isolated communities and who are currently or have previously experienced violence or abuse.

[''(4) CHILD AND ELDER ABUSE.—Issues related to child and elder abuse may be addressed as part of a comprehensive programmatic approach implemented under a grant under this section.

[''(d) REQUIREMENTS OF GRANTEES.—

[''(1) LIMITATION ON ADMINISTRATIVE EXPENSES.—A grantee shall not use more than 10 percent of the amounts received under a grant under this section for administrative expenses.

[''(2) CONTRIBUTION OF FUNDS.—A grantee under this section, and any entity receiving assistance under the grant for training and education, shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the activities to be funded under the grant in an amount that is not less than 25 percent of the total cost of such activities.

[''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $3,000,000 for each of fiscal years 2006 through 2010. Amounts appropriated under this subsection shall remain available until expended.''.

[SEC. 504. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING GRANTS.

[Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

["SEC. 399P. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

[''(a) AUTHORITY TO AWARD GRANTS.—

[''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible State, tribal, territorial, or local entities to strengthen the response of State, tribal, territorial, or local health care systems to domestic violence, dating violence, sexual assault, and stalking.

[''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

[''(A) be—

[''(i) a State department (or other division) of health, a State domestic or sexual assault coalition or service-based program, State law enforcement task force, or any other nonprofit, nongovernmental, tribal, territorial, or State entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault or stalking, and health care; or

[''(ii) a local, nonprofit domestic violence, dating violence, sexual assault, or stalking service-based program, a local department (or other division) of health, a local health clinic, hospital, or health system, or any other nonprofit, tribal, or local entity with a history of effective work in the field of domestic or sexual violence and health;

[''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the grant is to be made; and

[''(C) demonstrate that the entity is representing a team of organizations and agencies working collaboratively to strengthen the response of the health care system involved to domestic violence, dating violence, sexual assault, or stalking and that such team includes domestic violence, dating violence, sexual assault or stalking and health care organizations.

[''(3) DURATION.—A program conducted under a grant awarded under this section shall not exceed 2 years.

[''(b) USE OF FUNDS.—

[''(1) IN GENERAL.—An entity shall use amounts received under a grant under this section to design and implement comprehensive strategies to improve the response of the health care system involved to domestic or sexual violence in clinical and public health settings, hospitals, clinics, managed care settings (including behavioral and mental health), and other health settings.

[''(2) MANDATORY STRATEGIES.—Strategies implemented under paragraph (1) shall include the following:

[''(A) The implementation, dissemination, and evaluation of policies and procedures to guide health care professionals and behavioral and public health staff in responding to

domestic violence, dating violence, sexual assault, and stalking, including strategies to ensure that health information is maintained in a manner that protects the patient's privacy and safety and prohibits insurance discrimination.

[''(B) The development of on-site access to services to address the safety, medical, mental health, and economic needs of patients either by increasing the capacity of existing health care professionals and behavioral and public health staff to address domestic violence, dating violence, sexual assault, and stalking, by contracting with or hiring domestic or sexual assault advocates to provide the services, or to model other services appropriate to the geographic and cultural needs of a site.

[''(C) The evaluation of practice and the institutionalization of identification, intervention, and documentation including quality improvement measurements.

[''(D) The provision of training and followup technical assistance to health care professionals, behavioral and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual violence, or stalking.

[''(3) PERMISSIVE STRATEGIES.—Strategies implemented under paragraph (1) may include the following:

[''(A) Where appropriate, the development of training modules and policies that address the overlap of child abuse, domestic violence, dating violence, sexual assault, and stalking and elder abuse as well as childhood exposure to domestic violence.

[''(B) The creation, adaptation, and implementation of public education campaigns for patients concerning domestic violence, dating violence, sexual assault, and stalking prevention.

[''(C) The development, adaptation, and dissemination of domestic violence, dating violence, sexual assault, and stalking education materials to patients and health care professionals and behavioral and public health staff.

[''(D) The promotion of the inclusion of domestic violence, dating violence, sexual assault, and stalking into health professional training schools, including medical, dental, nursing school, social work, and mental health curriculum.

[''(E) The integration of domestic violence, dating violence, sexual assault, and stalking into health care accreditation and professional licensing examinations, such as medical, dental, social work, and nursing boards.

[''(c) ALLOCATION OF FUNDS.—Funds appropriated under this section shall be distributed equally between State and local programs.

[''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to award grants under this section, $5,000,000 for each of fiscal years 2006 through 2010.''.

[SEC. 505. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTHCARE SETTING.

[Subtitle B of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902 et seq.), as amended by the Violence Against Women Act of 2000 (114 Stat. 1491 et seq.), and as amended by this Act, is further amended by adding at the end the following:

["CHAPTER 11—RESEARCH ON EFFECTIVE INTERVENTIONS TO ADDRESS VIOLENCE AGAINST WOMEN

["SEC. 40297. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTH CARE SETTING.

[''(a) PURPOSE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the Agency for Healthcare Research and Quality, shall award grants and contracts to fund research on effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan and that prevent the health effects of such violence and improve the safety and health of individuals who are currently being victimized.

[''(b) USE OF FUNDS.—Research conducted with amounts received under a grant or contract under this section shall include the following:

[''(1) With respect to the authority of the Centers for Disease Control and Prevention—

[''(A) research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic, dating, or sexual violence, on health behaviors, health conditions, and the health status of individuals, families, and populations; and

[''(B) research and testing of best messages and strategies to mobilize public and health care provider action concerning the prevention of domestic, dating, or sexual violence; and

[''(2) With respect to the authority of the Agency for Healthcare Research and Quality—

[''(A) research on the impact on the health care system, health care utilization, health care costs, and health status of domestic and dating violence and childhood exposure to domestic and dating violence; and

[''(B) research on effective interventions within primary care and emergency health care settings and with health care settings that include clinical partnerships within community domestic violence providers for adults and children exposed to domestic or dating violence.

[''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.''.

[TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

[SEC. 601. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

[The Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) is amended by adding at the end the following:

["Subtitle N—Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

["SEC. 41401. FINDINGS.

[''Congress finds that:

[''(1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

[''(2) 92 percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.

[''(3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.

[''(4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.

[''(5) Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their children. Requests for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless families went unmet due to the lack of available emergency shelter beds.

[''(6) The average stay at an emergency shelter is 60 days, while the average length of time it takes a homeless family to secure housing is 6 to 10 months.

[''(7) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

[''(8) There are not enough Federal housing rent vouchers available to accommodate the number of people in need of long-term housing. Some people remain on the waiting list for Federal housing rent vouchers for years, while some lists are closed.

[''(9) Transitional housing resources and services provide an essential continuum between emergency shelter provision and independent living. A majority of women in transitional housing programs stated that had these programs not existed, they would have likely gone back to abusive partners.

[''(10) Because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.

[''(11) Victims of domestic violence in rural areas face additional barriers, challenges, and unique circumstances, such as geographical isolation, poverty, lack of public transportation systems, shortages of health care providers, under-insurance or lack of health insurance, difficulty ensuring confidentiality in small communities, and decreased access to many resources (such as advanced education, job opportunities, and adequate childcare).

[''(12) Congress and the Secretary of Housing and Urban Development have recognized in recent years that families experiencing domestic violence have unique needs that should be addressed by those administering the Federal housing programs.

["SEC. 41402. PURPOSE.

[''The purpose of this subtitle is to reduce domestic violence, dating violence, sexual assault, and stalking, and to prevent homelessness by—

[''(1) protecting the safety of victims of domestic violence, dating violence, sexual assault, and stalking who reside in homeless shelters, public housing, assisted housing, Indian housing, or other emergency, transitional, permanent, or affordable housing, and ensuring that such victims have meaningful access to the criminal justice system without jeopardizing such housing;

[''(2) creating long-term housing solutions that develop communities and provide sustainable living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;

[''(3) building collaborations between victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking; and

[''(4) enabling public and assisted housing agencies, Indian housing authorities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.

["SEC. 41403. DEFINITIONS.

[''For purposes of this subtitle—

[''(1) the term 'assisted housing' means housing assisted—

[''(A) under section 221(d)(3), section 221(d)(4), or section 236 of the National Housing Act (12 U.S.C. 1715l(d)(3), (d)(4), or 1715z–1);

[''(B) under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); or

[''(C) under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

[''(2) the term 'continuum of care' means a community plan developed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and achieve maximum self-sufficiency;

[''(3) the term 'Indian housing' means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.);

[''(4) the term 'low-income housing assistance voucher' means housing assistance described in section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

[''(5) the term 'public housing' means housing described in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1));

[''(6) the term 'public housing agency' means an agency described in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6));

[''(7) the terms 'homeless', 'homeless individual', and 'homeless person'—

[''(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

[''(B) includes—

[''(i) an individual who—

[''(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

[''(II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

[''(III) is living in an emergency or transitional shelter;

[''(IV) is abandoned in a hospital; or

[''(V) is awaiting foster care placement;

[''(ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

[''(iii) migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965; 20 U.S.C. 6399) who qualify as homeless under this section because the children are living in circumstances described in this paragraph; and

[''(8) the term 'homeless service provider' means a nonprofit, nongovernmental homeless service provider, such as a homeless shelter, a homeless service or advocacy program, a tribal organization serving homeless individuals, or coalition or other nonprofit, nongovernmental organization carrying out a community-based homeless or housing program that has a documented history of effective work concerning homelessness.

["SEC. 41404. COLLABORATIVE GRANTS TO DEVELOP LONG-TERM HOUSING FOR VICTIMS.

[''(a) GRANTS AUTHORIZED.—

[''(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administration on Children, Youth and Families ('ACYF'), and in consultation with the Secretary of Housing and Urban Development, shall award grants and contracts for a period of not less than 2 years to eligible entities to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless.

[''(2) AMOUNT.—The Secretary of Health and Human Services shall award—

[''(A) grants for projects that do not include the cost of construction in amounts—

[''(i) not less than $25,000 per year; and

[''(ii) not more than $350,000 per year; and

[''(B) grants for projects that do include the cost of construction in amounts—

[''(i) not less than $75,000 per year; and

[''(ii) not more than $1,000,000 per year.

[''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall demonstrate that it is a coalition or partnership, applying jointly, that—

[''(1) shall include a domestic violence victim service provider;

[''(2) shall include—

[''(A) a homeless service provider;

[''(B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or

[''(C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organization on tribal lands, an Indian housing authority or tribal housing consortium;

[''(3) may include a dating violence, sexual assault, or stalking victim service provider;

[''(4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;

[''(5) may include a public housing agency or Indian housing authority;

[''(6) may include tenant organizations in public or Indian housing, as well as nonprofit, nongovernmental tenant organizations;

[''(7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development's Continuum of Care process;

[''(8) may include a State, tribal, territorial, or local government or government agency; and

[''(9) may include any other such agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

[''(c) APPLICATION.—

[''(1) IN GENERAL.—Each eligible entity seeking a grant under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

[''(2) CONTENTS.—Each application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

[''(d) USE OF FUNDS.—Grants and contracts awarded to eligible entities pursuant to subsection (a) shall be used to design or replicate and implement new activities, services, and programs to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless. Such activities, services, or programs—

[''(1) shall participate in the Department of Housing and Urban Development's Continuum of Care process, unless such a process does not exist in the community to be served;

[''(2) shall develop sustainable long-term housing in the community by—

[''(A) coordinating efforts and resources among the various groups and organizations comprised in the entity to access existing private and public funding;

[''(B) placing individuals and families in long-term housing; and

[''(C) providing services to help individuals or families find and maintain long-term housing, including financial and support assistance;

[''(3) may provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

[''(4) may use funds for the continuing operation, upkeep, maintenance, and use of housing described in paragraph (3); and

[''(5) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

[''(e) UNDERSERVED POPULATIONS AND PRIORITIES.—In awarding grants under this section, the Secretary of Health and Human Services, acting through the ACYF, shall—

[''(1) give priority to linguistically and culturally specific services;

[''(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3);

[''(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations; and

[''(4) ensure that at least 2 of the grants awarded must fund projects that include construction consistent with the purposes in subsection (a)(i).

[''(f) DEFINITIONS.—For purposes of this section—

[''(1) the term 'long-term housing' means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

[''(A) rented or owned by the individual;

[''(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

[''(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization; and

[''(2) the term 'affordable housing' means housing that complies with the conditions set forth in section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745).

[''(g) EVALUATION, MONITORING, ADMINISTRATION, AND TECHNICAL ASSISTANCE.—For purposes of this section—

[''(1) up to 3 percent of the funds appropriated under subsection (h) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

[''(2) up to 8 percent of the funds appropriated under subsection (h) for each fiscal year may be used to provide technical assistance to grantees under this section.

[''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this section.

["SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.

[''(a) PURPOSE.—It is the purpose of this section to assist eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. Such assistance shall be accomplished through—

[''(1) education and training of eligible entities;

[''(2) development and implementation of appropriate housing policies and practices;

[''(3) enhancement of collaboration with victim service providers and tenant organizations; and

[''(4) reduction of the number of victims of such crimes who are evicted or denied housing because of crimes and lease violations committed or directly caused by the perpetrators of such crimes.

[''(b) GRANTS AUTHORIZED.—

[''(1) IN GENERAL.—The Attorney General, acting through the Director of the Violence Against Women Office of the Department of Justice ('Director'), and in consultation with the Secretary of Housing and Urban Development ('Secretary'), and the Secretary of Health and Human Services, acting through the Administration for Children, Youth and Families ('ACYF'), shall award grants and contracts for not less than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

[''(2) AMOUNTS.—Not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to Indian housing authorities.

[''(3) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis.

[''(4) LIMITATION.—Appropriated funds may only be used for the purposes described in subsections (f) and (i).

[''(c) ELIGIBLE GRANTEES.—

[''(1) IN GENERAL.—Eligible grantees are—

[''(A) public housing agencies;

[''(B) principally managed public housing resident management corporations, as determined by the Secretary;

[''(C) public housing projects owned by public housing agencies;

[''(D) agencies and authorities receiving assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

[''(E) private, for-profit, and nonprofit owners or managers of assisted housing.

[''(2) SUBMISSION REQUIRED FOR ALL GRANTEES.—To receive assistance under this section, an eligible grantee shall certify that—

[''(A) its policies and practices do not prohibit or limit a resident's right to summon police or other emergency assistance in response to domestic violence, dating violence, sexual assault, or stalking;

[''(B) programs and services are developed that give a preference in admission to adult and youth victims of such violence, consistent with local housing needs, and applicable law and the Secretary's instructions;

[''(C) it does not discriminate against any person—

[''(i) because that person is or is perceived to be, or has a family or household member who is or is perceived to be, a victim of such violence; or

[''(ii) because of the actions or threatened actions of the individual who the victim, as certified in subsection (e), states has committed or threatened to commit acts of such violence against the victim, or against the victim's family or household member;

[''(D) plans are developed that establish meaningful consultation and coordination with local victim service providers, tenant organizations, linguistically and culturally specific service providers, State domestic violence and sexual assault coalitions, and, where they exist, tribal domestic violence and sexual assault coalitions; and

[''(E) its policies and practices will be in compliance with those described in this paragraph within the later of 1 year or a period selected by the Attorney General in consultation with the Secretary and ACYF.

[''(d) APPLICATION.—Each eligible entity seeking a grant under this section shall submit an application to the Attorney General at such a time, in such a manner, and containing such information as the Attorney General may require.

[''(e) CERTIFICATION.—

[''(1) IN GENERAL.—A public housing agency, Indian housing authority, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The individual shall provide a copy of such certification to the public housing agency, Indian housing authority, or assisted housing provider within a reasonable period of time after the agency or authority requests such certification.

[''(2) CONTENTS.—An individual may satisfy the certification requirement of paragraph (1) by—

[''(A) providing the public housing agency, Indian housing authority, or assisted housing provider with documentation, signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or

[''(B) producing a Federal, State, tribal, territorial, or local police or court record.

[''(3) LIMITATION.—Nothing in this subsection shall be construed to require any housing agency, assisted housing provider, Indian housing authority, owner, or manager to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing authority may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

[''(4) CONFIDENTIALITY.—

[''(A) IN GENERAL.—All information provided to any housing agency, assisted housing provider, Indian housing authority, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in the strictest confidence by such housing authority, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, Indian housing authority, owner, or manager, except to the extent that disclosure is—

[''(i) requested or consented to by the individual in writing; or

[''(ii) otherwise required by applicable law.

[''(B) NOTIFICATION.—An individual shall be notified of the limits of such confidentiality and informed in advance about circumstances in which the housing agency, assisted housing provider, Indian housing authority, owner, or manager will be compelled to disclose the individual's information.

[''(f) USE OF FUNDS.—Grants and contracts awarded pursuant to subsection (a) shall provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of—

[''(1) enabling victims of domestic violence, dating violence, sexual assault, and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain housing or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories;

[''(2) permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim's or the victim children's safety;

[''(3) protecting victims' confidentiality, including protection of victims' personally identifying information, address, or rental history;

[''(4) assisting victims who need to leave a public housing, Indian housing, or assisted housing unit quickly to protect their safety, including those who are seeking transfer to a new public housing unit, Indian housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;

[''(5) enabling the public housing agency, Indian housing authority, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;

[''(6) enabling the public housing agency, Indian housing authority, or assisted housing provider to comply with court orders, including civil protection orders issued to protect the victim, when notified and issued to address the distribution or possession of property among the household members in cases where a family breaks up;

[''(7) developing and implementing more effective security policies, protocols, and services;

[''(8) allotting not more than 15 percent of funds awarded under the grant to make physical improvements;

[''(9) training all personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and

[''(10) effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.

[''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this section.

[''(h) TECHNICAL ASSISTANCE.—Up to 12 percent of the amount appropriated under subsection (g) for each fiscal year shall be used by the Attorney General for technical assistance costs under this section.''.

[SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.

[(a) IN GENERAL.—Section 40299 of the Violence Against Women Act of 1994 (42 U.S.C. 13975) is amended—

[(1) in subsection (a)—

[(A) by inserting ''the Department of Housing and Urban Development, and the Department of Health and Human Services,'' after ''Department of Justice,'';

[(B) by inserting '', including domestic violence victim service providers, domestic violence coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking'' after ''other organizations''; and

[(C) in paragraph (1), by inserting '', dating violence, sexual assault, or stalking'' after ''domestic violence'';

[(2) in subsection (b)—

[(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

[(B) in paragraph (3), as redesignated, by inserting '', dating violence, sexual assault, or stalking'' after ''violence'';

[(C) by inserting before paragraph (2), as redesignated, the following:

[''(1) transitional housing, or acquire land or buildings, or rehabilitate or construct buildings for the purpose of providing transitional housing to persons described in subsection (a), including funding for—

[''(A) the predevelopment cost and capital expenses involved in the development of transitional housing; and

[''(B) the operating expenses of newly developed or existing transitional housing.''; and

[(D) in paragraph (3)(B) as redesignated, by inserting ''Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them.'' after ''assistance.'';

[(3) in paragraph (1) of subsection (c), by striking ''18 months'' and inserting ''24 months'';

[(4) in subsection (d)(2)—

[(A) by striking ''and'' at the end of subparagraph (A);

[(B) by redesignating subparagraph (B) as subparagraph (C); and

[(C) by inserting after subparagraph (A) the following:

[''(B) provide assurances that any supportive services offered to participants in programs developed under subsection (b)(3) are voluntary and that refusal to receive such services shall not be grounds for termination from the program or eviction from the victim's housing; and'';

[(5) in subsection (e)(2)—

[(A) in subparagraph (A), by inserting ''purpose and'' before ''amount'';

[(B) in clause (ii) of subparagraph (C), by striking ''and'';

[(C) in subparagraph (D), by striking the period and inserting ''; and''; and

[(D) by adding at the end the following new subparagraph:

[''(E) the client population served and the number of individuals requesting services that the transitional housing program is unable to serve as a result of a lack of resources.''; and

[(6) in subsection (g)—

[(A) in paragraph (1), by striking ''$30,000,000'' and inserting ''$40,000,000'';

[(B) in paragraph (1), by striking ''2004'' and inserting ''2006'';

[(C) in paragraph (1), by striking ''2008.'' and inserting ''2010'';

[(D) in paragraph (2), by striking ''not more than 3 percent'' and inserting ''up to 5 percent'';

[(E) in paragraph (2), by inserting ''evaluation, monitoring, technical assistance,'' before ''salaries''; and

[(F) in paragraph (3), by adding at the end the following new subparagraphs:

[''(C) UNDERSERVED POPULATIONS.—

[''(i) A minimum of 7 percent of the total amount appropriated in any fiscal year shall be allocated to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents.

[''(ii) Priority shall be given to projects developed under subsection (b) that primarily serve racial, ethnic, or other underserved populations.''.

[SEC. 603. PUBLIC AND INDIAN HOUSING AUTHORITY PLANS REPORTING REQUIREMENT.

[Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—

[(1) in subsection (a)—

[(A) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

[(B) by redesignating paragraph (2) as paragraph (3); and

[(C) by inserting after paragraph (1) the following:

[''(2) STATEMENT OF GOALS.—The 5-year plan shall include a statement by any public housing agency or Indian housing authority of the goals, objectives, policies, or programs that will enable the housing authority to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.'';

[(2) in subsection (d), by redesignating paragraphs (13), (14), (15), (16), (17), and (18), as paragraphs (14), (15), (16), (17), (18), and (19), respectively; and

[(3) by inserting after paragraph (12) the following:

[''(13) DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING PROGRAMS.—A description of—

[''(A) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;

[''(B) any activities, services, or programs provided or offered by a public housing agency or Indian housing authority that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and

[''(C) any activities, services, or programs provided or offered by a public housing agency or Indian housing authority to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.''.

[SEC. 604. HOUSING STRATEGIES.

[Section 105(b)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(1)) is amended by inserting after ''immunodeficiency syndrome,'' the following: ''victims of domestic violence, dating violence, sexual assault, and stalking''.

[SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

[Section 423 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383) is amended—

[(1) by adding at the end of subsection (a) the following:

[''(8) CONFIDENTIALITY.—

[''(A) IN GENERAL.—In the course of awarding grants or implementing programs under this subsection, the Secretary shall instruct any recipient or subgrantee not to disclose to any person, agency, or entity any personally identifying information about any client where the Secretary, recipient, or subgrantee believes based upon reasonable evidence that the client is either a child or an adult victim of domestic violence, dating violence, sexual assault, or stalking, or is the parent or guardian of a child victim of domestic violence, dating violence, sexual assault, or stalking. The Secretary shall not require or ask a recipient or subgrantee of any other Federal or State program to disclose personally identifying information about any clients where the persons, agencies, or entities implementing those programs believe, based upon reasonable evidence, that those clients either are child or adult victims of domestic violence, dating violence, sexual assault, or stalking or are the parents or guardians of child victims of domestic violence, dating violence, sexual assault, or stalking. The Secretary shall instruct any recipient or subgrantee under this subsection or any recipient or subgrantee of any other Federal or State program participating in the Homeless Management Information System that personally identifying information about any client may only be disclosed if the program seeking to disclose such information has obtained informed, reasonably time-limited, written consent from the client to whom the information relates. The Secretary may require or ask any recipient or subgrantee to share nonpersonally identifying data in the aggregate regarding services to clients and nonpersonally identifying demographic information in order to comply with the data collection requirements of the Homeless Management Information System.

[''(B) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

[''(i) a first and last name;

[''(ii) a home or other physical address;

[''(iii) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

[''(iv) a social security number; and

[''(v) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of clauses (i) through (iv), would serve to identify any individual.''.

[SEC. 606. AMENDMENTS TO THE LOW-INCOME HOUSING ASSISTANCE VOUCHER PROGRAM.

[Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

[(1) in subsection (d)—

[(A) in paragraph (1)(B)(ii), by inserting after ''other good cause'' the following: '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating a lease held by the victim of such violence''; and

[(B) in paragraph (1)(B)(iii), by inserting after ''termination of tenancy'' the following: '', except that (I) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy, if the tenant or immediate member of the tenant's family is a victim of domestic violence, dating violence, or stalking and, as a result, could not control or prevent the criminal activity; (II) nothing in subclause (I) may be construed to limit the authority of an owner or manager consistent with applicable State law to evict or the public housing agency or assisted housing provider to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others; and (III) nothing in subclause (I) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate, voucher assistance to any tenant if the owner, manager, public housing agency, or assisted housing provider can demonstrate an actual and imminent threat to the larger community if that tenant is not evicted or terminated from assistance.'';

[(2) in subsection (f)—

[(A) in paragraph (6), by striking ''and'';

[(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

[(C) by adding at the end the following new paragraphs:

[''(8) the term 'domestic violence' has the same meaning given the term in section 2003

of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);

''(9) the term 'dating violence' has the same meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2); and

''(10) the term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

''(A) fear for his or her safety or the safety of others; or

''(B) suffer significant emotional or physical distress; and

''(11) the term 'sexual assault' has the same meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).'';

(3) in subsection (o)—

(A) by inserting at the end of paragraph (6)(B) the following new sentence: ''That an applicant is or is perceived to be, or has been or has been perceived to be, a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by a public housing authority.'';

(B) in paragraph (7)(C), by inserting after ''other good cause'' the following: '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating a lease held by the victim of such violence'';

(C) in paragraph (7)(D), by inserting after ''termination of tenancy'' the following: ''; except that (i) criminal activity relating directly to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of the tenancy, if the tenant or immediate member of the tenant's family is a victim of domestic violence, dating violence, or stalking and, as a result, could not control or prevent the criminal activity; (ii) nothing in clause (i) may be construed to limit the authority of an owner or manager consistent with applicable State law to evict or the public housing agency or assisted housing provider to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others; and (iii) nothing in clause (i) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate, voucher assistance to any tenant if the owner, manager, public housing agency, or assisted housing provider can demonstrate an actual and imminent threat to the larger community if that tenant is not evicted or terminated from assistance.'';

(4) in subsection (r)(5), by inserting after ''violation of a lease'' the following: '', except that a family may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit''; and

(5) by adding at the end the following new subsection:

''(ee) CERTIFICATION AND CONFIDENTIALITY.—

''(1) CERTIFICATION.—

''(A) IN GENERAL.—An owner, manager, public housing agency, or assisted housing provider responding to subsections (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), and (r)(5) may request that an individual certify that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. The individual shall provide a copy of such certification within a reasonable period of time after the owner, manager, public housing agency, or assisted housing provider requests such certification.

''(B) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

''(i) providing the requesting owner, manager, public housing agency, or assisted housing provider with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse; or

''(ii) producing a Federal, State, tribal, territorial, or local police or court record.

''(C) LIMITATION.—Nothing in this subsection shall be construed to require an owner, manager, public housing agency, or assisted housing provider to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking in order to receive any of the benefits provided in this section. At their discretion, the owner, manager, public housing agency, or assisted housing provider may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

''(2) CONFIDENTIALITY.—

''(A) IN GENERAL.—All information provided to an owner, manager, public housing agency, or assisted housing provider pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in the strictest confidence by an owner, manager, public housing agency, or assisted housing provider, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

''(i) requested or consented to by the individual in writing; or

''(ii) otherwise required by applicable law.

''(B) NOTIFICATION.—An individual must be notified of the limits of such confidentiality and informed in advance about circumstances in which the person or entity will be compelled to disclose the individual's information.''.

SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PROGRAM.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (c), by redesignating paragraph (3) and (4), as paragraphs (4) and (5), respectively;

(2) by inserting after paragraph (2) the following:

''(3) the public housing agency shall not deny admission to the project to any applicant on the basis that the applicant is or is perceived to be, or has been or has been perceived to be, a victim of domestic violence, dating violence, or stalking'';

(3) in subsection (l)(5), by inserting after ''other good cause'' the following: '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating a lease held by the victim of such violence'';

(4) in subsection (l)(6), by inserting after ''termination of tenancy'' the following: ''; except that (A) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy, if the tenant or immediate member of the tenant's family is a victim of domestic violence, dating violence, or stalking and, as a result, could not control or prevent the criminal activity; (B) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency consistent with applicable State law to evict, or the public housing agency or assisted housing provider to terminate, voucher assistance to individuals who engage in criminal acts of physical violence against family members or others; and (C) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency to terminate the tenancy of any tenant if the public housing agency can demonstrate an actual and imminent threat to the larger community if that tenant's tenancy is not terminated.''; and

(5) by inserting at the end of subsection (t) the following new subsection:

''(u) CERTIFICATION AND CONFIDENTIALITY.—

''(1) CERTIFICATION.—

''(A) IN GENERAL.—A public housing agency responding to subsection (l) (5) and (6) may request that an individual certify that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. The individual shall provide a copy of such certification within a reasonable period of time after the public housing agency requests such certification.

''(B) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

''(i) providing the requesting public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse; or

''(ii) producing a Federal, State, tribal, territorial, or local police or court record.

''(C) LIMITATION.—Nothing in this subsection shall be construed to require any public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this section. At the public housing agency's discretion, a public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

''(2) CONFIDENTIALITY.—

''(A) IN GENERAL.—All information provided to any public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in the strictest confidence by such public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

''(i) requested or consented to by the individual in writing; or

''(ii) otherwise required by applicable law.

[''(B) NOTIFICATION.—An individual must be notified of the limits of such confidentiality and informed in advance about circumstances in which the person or entity will be compelled to disclose the individual's information.

[''(3) DEFINITIONS.—For purposes of this subsection and subsection (1) (5) and (6)—

[''(A) the term 'domestic violence' has the same meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);

[''(B) the term 'dating violence' has the same meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2); and

[''(C) the term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

[''(i) fear for his or her safety or the safety of others; or

[''(ii) suffer significant emotional distress.''.

[TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

[SEC. 701. EMERGENCY LEAVE.

[(a) IN GENERAL.—The Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902) is amended by adding after subtitle N the following:

"Subtitle O—Assistance for Individuals Experiencing Domestic or Sexual Violence

["CHAPTER 1—EMERGENCY LEAVE

"[SEC. 41501. FINDINGS.

[''Congress makes the following findings:

[''(1) Violence against women is a leading cause of physical injury to women. Such violence has a devastating impact on women's physical and emotional health, financial security, and ability to maintain their jobs, and thus impacts interstate commerce.

[''(2) Studies indicate that one of the best predictors of whether a victim of such violence will be able to stay away from her abuser is her degree of economic independence. However, domestic violence, dating violence, sexual assault, and stalking (referred to in this subtitle as 'domestic or sexual violence') often negatively impact victims' ability to maintain employment.

[''(3) The Bureau of National Affairs has estimated that domestic violence costs United States employers between $3,000,000,000 and $5,000,000,000 annually in lost time and productivity. Other reports have estimated that domestic violence costs United States employers between $5,800,000,000 and $13,000,000,000 annually.

[''(4) Ninety-four percent of corporate security and safety directors at companies nationwide rank domestic violence as a high security concern.

[''(5) Abusers frequently seek to exert financial control over their partners by actively interfering with the ability of their partners to work, including preventing their partners from going to work, harassing their partners at work, limiting the access of their partners to cash or transportation, and sabotaging the child care arrangements of their partners.

[''(6) Studies indicate that between 35 and 56 percent of employed battered women surveyed were harassed at work by their abusers.

[''(7) Victims of domestic violence also frequently miss work due to injuries, court proceedings, and safety concerns requiring legal protections. Victims of intimate partner violence lose 8,000,000 days of paid work each year—the equivalent of over 32,000 full-time jobs and 5,600,000 days of household productivity.

[''(8) According to a 1998 report of the Government Accountability Office, between 25 percent and 50 percent of victims of domestic violence surveyed reported that the victims lost a job due, at least in part, to domestic violence.

[''(9) Women who have experienced domestic violence or dating violence are more likely than other women to be unemployed, to suffer from health problems that can affect employability and job performance, to report lower personal income, and to rely on welfare.

[''(10) Domestic violence also affects abusers' ability to work. A recent study found that 48 percent of abusers reported having difficulty concentrating at work and 42 percent reported being late to work. 78 percent reported using their own company's resources in connection with the abusive relationship.

[''(11) About 36,500 individuals, 80 percent of whom are women, were raped or sexually assaulted in the workplace each year from 1993 through 1999. Half of all female victims of violent workplace crimes know their abusers. Nearly 1 out of 10 violent workplace incidents are committed by spouses or other partners.

[''(12) Sexual assault, whether occurring in or out of the workplace, can impair an employee's work performance, require time away from work, and undermine the employee's ability to maintain a job. Almost 50 percent of sexual assault victims lose their jobs or are forced to quit in the aftermath of the assaults.

[''(13) More than 35 percent of stalking victims report losing time from work due to the stalking and 7 percent never return to work.

[''(14) Five States provide victims of domestic or sexual violence with leave from work to attend court proceedings, to go to the doctor, or to take other steps to address the violence in their lives, and several other States provide time off to victims of crimes, which can include victims of domestic or sexual violence, to attend court proceedings.

["SEC. 41502. PURPOSES.

[''The purposes of this chapter are, pursuant to the affirmative power of Congress to enact legislation under the portions of section 8 of article I of the Constitution relating to providing for the general welfare and to regulation of commerce among the several States, and under section 5 of the 14th amendment to the Constitution—

[''(1) to promote the national interest in reducing domestic or sexual violence by enabling victims of domestic or sexual violence to maintain the financial independence necessary to leave abusive situations, achieve safety, and minimize the physical and emotional injuries from domestic or sexual violence, and to reduce the devastating economic consequences of domestic or sexual violence to employers and employees;

[''(2) to promote the national interest in ensuring that victims of domestic or sexual violence can recover from and cope with the effects of such violence, and participate in criminal and civil justice processes, without fear of adverse economic consequences;

[''(3) to reduce the negative impact on interstate commerce produced by dislocations of employees and harmful effects on productivity, employment, health care costs, and employer costs, caused by domestic or sexual violence, including related intentional efforts to frustrate women's ability to participate in employment and interstate commerce; and

[''(4) to enforce the 14th amendment's guarantee of equal protection of the laws by—

[''(A) preventing and remedying sex-based discrimination and discrimination against victims of domestic and sexual violence in employment leave by addressing the failure of existing laws to protect the employment rights of women and such victims; and

[''(B) thus furthering the equal opportunity of women for economic self-sufficiency and employment free from discrimination.

["SEC. 41503. DEFINITIONS.

[''In this title, except as otherwise expressly provided:

[''(1) COMMERCE.—The terms 'commerce' and 'industry or activity affecting commerce' have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

[''(2) ELECTRONIC COMMUNICATIONS.—The term 'electronic communications' includes communications via telephone (including mobile phone), computer, e-mail, video recorder, fax machine, telex, or pager.

[''(3) EMPLOY; STATE.—The terms 'employ' and 'State' have the meanings given the terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

[''(4) EMPLOYEE.—

[''(A) IN GENERAL.—The term 'employee' means any person employed by an employer. In the case of an individual employed by a public agency, such term means an individual employed as described in section 3(e)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)).

[''(B) BASIS.—The term includes a person employed as described in subparagraph (A)—

[''(i) on a full- or part-time basis; or

[''(ii) as a participant in a work assignment as a condition of receipt of Federal or State income-based public assistance.

[''(5) EMPLOYER.—The term 'employer'—

[''(A) means any person engaged in commerce or in any industry or activity affecting commerce who employs 50 or more individuals for each working day during each of the 20 or more calendar weeks in the current or preceding calendar year; and

[''(B) includes any person acting directly or indirectly in the interest of an employer in relation to an employee, and includes a public agency that employs individuals as described in section 3(e)(2) of the Fair Labor Standards Act of 1938, but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization.

[''(6) EMPLOYMENT BENEFITS.—The term 'employment benefits' means all benefits provided or made available to employees by an employer (including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions), regardless of whether such benefits are provided or made available by a practice or written policy of an employer or through an 'employee benefit plan', as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).

[''(7) FAMILY OR HOUSEHOLD MEMBER.—The term 'family or household member', used with respect to an individual, means a nonabusive spouse, former spouse, parent, son or daughter, or person residing or formerly residing in the same dwelling unit as the individual.

[''(8) PARENT; SON OR DAUGHTER.—The terms 'parent' and 'son or daughter' have the meanings given the terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

[''(9) PERSON.—The term 'person' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

[''(10) PUBLIC AGENCY.—The term 'public agency' has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

[''(11) PUBLIC ASSISTANCE.—The term 'public assistance' includes cash, food stamps, medical assistance, housing assistance, and other benefits provided on the basis of income by a public agency.

[''(12) REDUCED LEAVE SCHEDULE.—The term 'reduced leave schedule' means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

[''(13) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

[''SEC. 41504. ENTITLEMENT TO EMERGENCY LEAVE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE.

[''(a) LEAVE REQUIREMENT.—

[''(1) BASIS.—An employee who is a victim of domestic or sexual violence may take leave from work to address domestic or sexual violence, by—

[''(A) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;

[''(B) obtaining emergency housing, temporary or permanent, or taking other actions to increase the safety of the employee or the employee's family or household member; or

[''(C) seeking legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

[''(2) PERIOD.—An employee may take not more than 10 days of leave, as described in paragraph (1), in any 12-month period.

[''(3) SCHEDULE.—Leave described in paragraph (1) may be taken intermittently or on a reduced leave schedule.

[''(b) NOTICE.—The employee shall provide the employer with reasonable notice of the employee's intention to take the leave, unless providing such notice is not practicable.

[''(c) CERTIFICATION.—

[''(1) IN GENERAL.—The employer may require the employee to provide certification to the employer, within a reasonable period after the employer requires the certification, that—

[''(A) the employee or the employee's family or household member is a victim of domestic or sexual violence; and

[''(B) the leave is for 1 of the purposes described in subsection (a)(1).

[''(2) CONTENTS.—An employee may satisfy the certification requirement of paragraph (1) by providing to the employer—

[''(A) documentation from an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, or a medical or other professional, from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;

[''(B) a police or court record; or

[''(C) other corroborating evidence.

[''(d) CONFIDENTIALITY.—All information provided to the employer pursuant to subsection (b) or (c), and the fact that the employee has requested or obtained leave pursuant to this section, shall be retained in the strictest confidence by the employer, except to the extent that disclosure is—

[''(1) requested or consented to by the employee in writing; or

[''(2) otherwise required by applicable Federal or State law.

[''(e) EMPLOYMENT AND BENEFITS.—

[''(1) RESTORATION TO POSITION.—

[''(A) IN GENERAL.—Except as provided in paragraph (2), any employee who takes leave under this section for the intended purpose of the leave shall be entitled, on return from such leave—

[''(i) to be restored by the employer to the position of employment held by the employee when the leave commenced; or

[''(ii) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

[''(B) LOSS OF BENEFITS.—The taking of leave under this section shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

[''(C) LIMITATIONS.—Nothing in this subsection shall be construed to entitle any restored employee to—

[''(i) the accrual of any seniority or employment benefits during any period of leave; or

[''(ii) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

[''(D) CONSTRUCTION.—Nothing in this paragraph shall be construed to prohibit an employer from requiring an employee on leave under this section to report periodically to the employer on the status and intention of the employee to return to work.

[''(2) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—

[''(A) DENIAL OF RESTORATION.—An employer may deny restoration under paragraph (1) to any employee described in subparagraph (B) if—

[''(i) such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;

[''(ii) the employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that such injury would occur; and

[''(iii) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.

[''(B) AFFECTED EMPLOYEES.—An employee referred to in subparagraph (A) is a salaried employee who is among the highest paid 25 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.

[''(3) MAINTENANCE OF HEALTH BENEFITS.—

[''(A) COVERAGE.—Except as provided in subparagraph (B), during any period that an employee takes leave under this section, the employer shall maintain coverage under any group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

[''(B) FAILURE TO RETURN FROM LEAVE.—The employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of leave under this section if—

[''(i) the employee fails to return from leave under this section after the period of leave to which the employee is entitled for the domestic or sexual violence involved has expired; and

[''(ii) the employee fails to return to work for a reason other than the continuation or recurrence of domestic or sexual violence, that entitles the employee to leave pursuant to this section.

[''(C) CERTIFICATION.—An employer may require an employee who claims that the employee is unable to return to work because of a reason described in subparagraph (B)(ii) to provide, within a reasonable period after making the claim, certification to the employer that the employee is unable to return to work because of that reason.

[''(D) CONFIDENTIALITY.—All information provided to the employer pursuant to subparagraph (C), and the fact that the employee is not returning to work because of a reason described in subparagraph (B)(ii), shall be retained in the strictest confidence by the employer, except to the extent that disclosure is—

[''(i) requested or consented to by the employee in writing; or

[''(ii) otherwise required by applicable Federal or State law.

[''(f) PROHIBITED ACTS.—

[''(1) INTERFERENCE WITH RIGHTS.—

[''(A) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this section.

[''(B) EMPLOYER DISCRIMINATION.—It shall be unlawful for any employer to discharge or harass any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment of the individual (including retaliation in any form or manner) because the individual—

[''(i) exercised any right provided under this section; or

[''(ii) opposed any practice made unlawful by this section.

[''(2) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate (as described in paragraph (1)(B)) against any individual because such individual—

[''(A) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this section;

[''(B) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this section; or

[''(C) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this section.

[''(g) ENFORCEMENT.—

[''(1) CIVIL ACTION BY AFFECTED INDIVIDUALS.—

[''(A) LIABILITY.—Any employer that violates subsection (f) shall be liable to any individual affected—

[''(i) for damages equal to—

[''(I) the amount of—

[''(aa) any wages, salary, employment benefits, public assistance, or other compensation denied or lost to such individual by reason of the violation; or

[''(bb) in a case in which wages, salary, employment benefits, public assistance, or other compensation has not been denied or lost to the individual, any actual monetary losses sustained by the individual as a direct result of the violation;

[''(II) the interest on the amount described in subclause (I) calculated at the prevailing rate; and

[''(III) an additional amount as liquidated damages equal to the sum of the amount described in subclause (I) and the interest described in subclause (II), except that if an employer that has violated subsection (f) proves to the satisfaction of the court that the act or omission that violated subsection (f) was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of subsection (f), such court may, in the discretion of the court, reduce the amount of the liability to the amount and interest determined under subclauses (I) and (II), respectively; and

[''(ii) for such equitable relief as may be appropriate, including employment, reinstatement, and promotion.

[''(B) RIGHT OF ACTION.—An action to recover the damages or equitable relief prescribed in subparagraph (A) may be maintained against any employer in any Federal or State court of competent jurisdiction by any 1 or more affected individuals for and on behalf of—

[''(i) the individuals; or

[''(ii) the individuals and other individuals similarly situated.

[''(C) FEES AND COSTS.—The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.

[''(D) LIMITATIONS.—The right provided by subparagraph (B) to bring an action by or on behalf of any affected individual shall terminate—

[''(i) on the filing of a complaint by the Secretary in an action under paragraph (4) in which restraint is sought of any further delay in the payment of the amount described in subparagraph (A)(i) to such individual by an employer responsible under subparagraph (A) for the payment; or

[''(ii) on the filing of a complaint by the Secretary in an action under paragraph (2) in which a recovery is sought of the damages described in subparagraph (A)(i) owing to an affected individual by an employer liable under subparagraph (A),

[unless the action described in clause (i) or (ii) is dismissed without prejudice on motion of the Secretary.

[''(2) ACTION BY THE SECRETARY.—

[''(A) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of subsection (f) in the same manner as the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).

[''(B) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover the damages described in paragraph (1)(A)(i).

[''(C) SUMS RECOVERED.—Any sums recovered by the Secretary pursuant to subparagraph (B) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each individual affected. Any such sums not paid to such an individual because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.

[''(3) LIMITATION.—

[''(A) IN GENERAL.—Except as provided in subparagraph (B), an action may be brought under this subsection not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.

[''(B) WILLFUL VIOLATION.—In the case of such action brought for a willful violation of subsection (f), such action may be brought within 3 years after the date of the last event constituting the alleged violation for which such action is brought.

[''(C) COMMENCEMENT.—In determining when an action is commenced by the Secretary under this subsection for the purposes of this paragraph, it shall be considered to be commenced on the date when the complaint is filed.

[''(4) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, in an action brought by the Secretary—

[''(A) to restrain violations of subsection (f), including the restraint of any withholding of payment of wages, salary, employment benefits, public assistance, or other compensation, plus interest, found by the court to be due to affected individuals; or

[''(B) to award such other equitable relief as may be appropriate, including employment, reinstatement, and promotion.

[''(5) SOLICITOR OF LABOR.—The Solicitor of Labor may appear for and represent the Secretary on any litigation brought under this subsection.

[''(6) EMPLOYER LIABILITY UNDER OTHER LAWS.—Nothing in this section shall be construed to limit the liability of an employer to an individual, for harm suffered relating to the individual's experience of domestic or sexual violence, pursuant to any other Federal or State law, including a law providing for a legal remedy.

[''(7) LIBRARY OF CONGRESS.—Notwithstanding any other provision of this subsection, in the case of the Library of Congress, the authority of the Secretary under this subsection shall be exercised by the Librarian of Congress.

[''(8) CERTAIN PUBLIC AGENCIES.—

[''(A) AGENCIES.—Notwithstanding any other provision of this subsection, in the case of a public agency that employs individuals as described in subparagraph (A) or (B) of section 3(e)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)) (other than an entity of the legislative branch of the Federal Government), subparagraph (B) shall apply.

[''(B) AUTHORITY.—In the case described in subparagraph (A), the powers, remedies, and procedures provided in title 5, United States Code, to an employing agency, provided in chapter 12 of that title to the Merit Systems Protection Board, or provided in that title to any person, alleging a violation of chapter 63 of that title, shall be the powers, remedies, and procedures this chapter provides to that agency, that Board, or any person, respectively, alleging a violation of subsection (f) against an employee who is such an individual.

[''SEC. 41505. EXISTING LEAVE USABLE FOR ADDRESSING DOMESTIC OR SEXUAL VIOLENCE.

[''An employee who is entitled to take paid or unpaid leave (including family, medical, sick, annual, personal, or similar leave) from employment, pursuant to Federal, State, or local law, a collective bargaining agreement, or an employment benefits program or plan, may elect to substitute any period of such leave for an equivalent period of leave provided under section 41504.

[''SEC. 41506. EMERGENCY BENEFITS.

[''(a) IN GENERAL.—A State may use funds provided to the State under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide nonrecurrent short-term emergency benefits to an individual for any period of leave the individual takes pursuant to section 41504.

[''(b) ELIGIBILITY.—In calculating the eligibility of an individual for such emergency benefits, the State shall count only the cash available or accessible to the individual.

[''(c) TIMING.—

[''(1) APPLICATIONS.—An individual seeking emergency benefits under subsection (a) from a State shall submit an application to the State.

[''(2) BENEFITS.—The State shall provide benefits to an eligible applicant under paragraph (1) on an expedited basis, and not later than 7 days after the applicant submits an application under paragraph (1).

[''SEC. 41507. EFFECT ON OTHER LAWS AND EMPLOYMENT BENEFITS.

[''(a) MORE PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—Nothing in this chapter shall be construed to supersede any provision of any Federal, State, or local law, collective bargaining agreement, or employment benefits program or plan that provides—

[''(1) greater leave benefits for victims of domestic or sexual violence than the rights established under this chapter; or

[''(2) leave benefits for a larger population of victims of domestic or sexual violence (as defined in such law, agreement, program, or plan) than the victims of domestic or sexual violence covered under this chapter.

[''(b) LESS PROTECTIVE LAWS, AGREEMENTS, PROGRAMS, AND PLANS.—The rights established for victims of domestic or sexual violence under this chapter shall not be diminished by any State or local law, collective bargaining agreement, or employment benefits program or plan.

[''SEC. 41508. REGULATIONS AND NOTIFICATION.

[''(a) IN GENERAL.—Except as provided in subsections (b) and (c), the Secretary shall issue regulations to carry out this chapter. The regulations shall include regulations requiring every employer to post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary, summarizing the provisions of this chapter and providing information on procedures for filing complaints of violations. The Secretary shall develop such a notice and provide copies of such notice to employers upon request without charge.

[''(b) LIBRARY OF CONGRESS.—The Librarian of Congress shall prescribe the regulations described in subsection (a) with respect to employees of the Library of Congress.

[''(c) CERTAIN PUBLIC AGENCIES.—The head of a public agency that employs individuals as described in subparagraph (A) or (B) of section 3(e)(2) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)(2)) (other than an entity of the legislative branch of the Federal Government) shall prescribe the regulations described in subsection (a) with respect to those individuals.''.

[(b) CONFORMING AMENDMENTS.—

[(1) SOCIAL SECURITY ACT.—Section 404 of the Social Security Act (42 U.S.C. 604) is amended by adding at the end the following:

[''(l) AUTHORITY TO PROVIDE EMERGENCY BENEFITS.—A State that receives a grant under section 403 may use the grant to provide nonrecurrent short-term emergency benefits, in accordance with section 41506 of the Violence Against Women Act of 1994, to individuals who take leave pursuant to section 40404 of that Act, without regard to whether the individuals receive assistance under the State program funded under this part.''.

[(2) REHABILITATION ACT AMENDMENTS OF 1986.—Section 1003(a)(1) of the Rehabilitation Act Amendments of 1986 (42 U.S.C. 2000d–7(a)(1)) is amended by inserting ''chapter 1 of subtitle O of the Violence Against Women Act of 1994,'' before ''or the provisions''.

[(c) EFFECTIVE DATE.—The amendments made by this section take effect 180 days after the date of enactment of this Act.

[SEC. 702. GRANT FOR NATIONAL CLEARINGHOUSE AND RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

[Subtitle O of the Violence Against Women Act of 1994 (as added by section 701) is amended by adding at the end the following:

[''CHAPTER 2—NATIONAL CLEARINGHOUSE AND RESOURCE CENTER

[''SEC. 41511. GRANT FOR NATIONAL CLEARINGHOUSE AND RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

[''(a) AUTHORITY.—The Attorney General, acting through the Director of the Violence Against Women Office, may award a grant to

an eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national clearinghouse and resource center on workplace responses to assist victims of domestic and sexual violence. The clearinghouse and resource center shall provide information and assistance to employers, labor organizations, and advocates on behalf of victims of domestic or sexual violence, to aid in their efforts to develop and implement appropriate responses to such violence in order to assist those victims.

''(b) APPLICATIONS.—To be eligible to receive a grant under this section, an entity or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including—

''(1) information that demonstrates that the entity or organization has nationally recognized expertise in the area of domestic or sexual violence, and a record of commitment to reducing domestic or sexual violence;

''(2) a plan to maximize, to the extent practicable, outreach to employers (including private companies and public entities such as public institutions of higher education and State and local governments), labor organizations, and advocates described in subsection (a) concerning developing and implementing appropriate workplace responses to assist victims of domestic or sexual violence; and

''(3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence, dating violence, sexual assault, and stalking impacting the workplace, including the needs of racial and ethnic and other underserved communities.

''(c) USE OF GRANT AMOUNT.—

''(1) IN GENERAL.—An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers, labor organizations, and advocates described in subsection (a), information and assistance concerning appropriate workplace responses to assist victims of domestic or sexual violence.

''(2) RESPONSES.—Responses referred to in paragraph (1) may include—

''(A) providing training to promote a better understanding of appropriate workplace assistance to victims of domestic or sexual violence;

''(B) providing conferences and other educational opportunities;

''(C) developing protocols and model workplace policies;

''(D) providing employer-sponsored and labor organization-sponsored victim assistance and outreach counseling; and

''(E) conducting assessments of the workplace costs of domestic or sexual violence.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010.

''(e) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.''.

TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANT WOMEN

Subtitle A—Victims of Crime

SEC. 801. TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) by amending subclause (III) to read as follows:

''(III)(aa) complied with any reasonable request for assistance in the Federal, State, or local investigation or prosecution of acts of trafficking or crimes related to trafficking; or

''(bb) has provided credible evidence (as defined in section 204(a)(1)(J)) that physical or psychological abuse, injury, or trauma prohibits such alien from meeting the requirements of item (aa); or

''(cc) has not attained 18 years of age; and''; and

(2) by amending clause (ii) to read as follows:

''(ii) if accompanying, or following to join, the alien described in clause (i)—

''(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; and

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien;''.

(b) TREATMENT OF SPOUSES AND CHILDREN OF VICTIMS OF ABUSE.—Section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) in subclause (I), by inserting ''or injury'' after ''physical or mental abuse'';

(2) by amending clause (ii) to read as follows:

''(ii) if accompanying, or following to join, the alien described in clause (i)—

''(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; and

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and''; and

(3) in clause (iii), by inserting ''child abuse; stalking (including physical or electronic stalking);'' after ''false imprisonment;''.

(c) DEFINITION OF AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(A) in subparagraphs (F) and (G), by striking ''at least one year'' each place it appears and inserting ''is more than 1 year'';

(B) in subparagraph (J), by striking ''one year imprisonment or more'' and inserting ''more than 1 year imprisonment'';

(C) in subparagraph (P)(ii), by striking ''at least 12 months'' and inserting ''more than 1 year''; and

(D) in subparagraphs (R) and (S), by striking ''at least one year'' each place it appears and inserting ''more than 1 year''.

(d) TECHNICAL AMENDMENTS.—Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(1) in paragraph (1), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security, the Attorney General,''; and

(2) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

SEC. 802. PRESENCE OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.

(a) IN GENERAL.—Section 212(a)(9)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:

''(V) VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Clause (i) shall not apply to an alien who demonstrates that there was a connection between the alien being a victim of a severe form of trafficking (as that term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) and the alien's unlawful presence in the United States.''.

(b) TECHNICAL AMENDMENT.—Paragraphs (13) and (14) of section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) are amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

SEC. 803. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.

Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(B) in subparagraph (A), by striking ''for a continuous period of at least 3 years'';

(2) in paragraph (2), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(3) in paragraph (5), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

SEC. 804. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) CERTIFICATION PROCESS.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''Attorney General, that the person referred to in subparagraph (C)(ii)(II)—'' and inserting ''Attorney General or the Secretary of Homeland Security, as appropriate, that the person referred to in subparagraph (C)(ii)(II) has not attained 18 years of age or—'';

(B) in subclause (I), by striking ''investigation and prosecution'' and inserting ''investigation or prosecution, by the United States or a State or local government,''; and

(C) in subclause (II)(bb), by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'';

(2) in clause (ii), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(3) in clause (iii)—

(A) in subclause (II), by striking ''and'' at the end;

(B) in subclause (III), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(IV) responding to and cooperating with requests for evidence and information.; and

(4) by striking ''investigation and prosecution'' each place it appears and inserting ''investigation or prosecution''.

(b) TRAFFICKING VICTIM REGULATIONS.—Section 107(c) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)) is amended—

(1) in the matter preceding paragraph (1), by inserting '', the Secretary of Homeland Security,'' after ''Attorney General''; and

(2) in paragraph (3)—

(A) by striking ''Federal law enforcement officials'' and inserting ''The Department of Homeland Security''; and

(B) by adding at the end the following: ''State or local law enforcement officials may petition the Department of Homeland Security for the continued presence for trafficking victims. If such a petition contains a certification that a trafficking victim is a victim of a severe form of trafficking, the

presence of the trafficking victim may be permitted in accordance with this paragraph.''.

[(c) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—Section 107(e)(5) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)(5)) is amended by striking ''Attorney General'' each place it occurs and inserting ''Secretary of Homeland Security''.

[(d) ANNUAL REPORT.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by inserting ''or the Secretary of Homeland Security'' after ''Attorney General''.

[SEC. 805. PROTECTING VICTIMS OF CHILD ABUSE.

[(a) AGING OUT CHILDREN.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended—

[(1) in clause (i)—

[(A) in subclause (I), by inserting ''or section 204(a)(1)(B)(iii)'' after ''204(a)(1)(A)'' each place it appears; and

[(B) in subclause (III), by striking ''a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable,'' and inserting ''a VAWA self-petitioner''; and

[(2) by adding at the end the following:

[''(iv) Any alien who benefits from this subparagraph may adjust status in accordance with subsections (a) and (c) of section 245 as an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii).''.

[(b) APPLICATION OF CSPA PROTECTIONS.—

[(1) IMMEDIATE RELATIVE RULES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended by adding at the end the following:

[''(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.''.

[(2) CHILDREN RULES.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

[''(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.''.

[(c) LATE PETITION PERMITTED FOR IMMIGRANT SONS AND DAUGHTERS BATTERED AS CHILDREN.—

[(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), as amended by subsection (a), is further amended by adding at the end the following:

[''(v) For purposes of this paragraph, an individual who is not less than 21 years of age, who qualified to file a petition under subparagraph (A)(iv) as of the day before the date on which the individual attained 21 years of age, and who did not file such a petition before such day, shall be treated as having filed a petition under such subparagraph as of such day if a petition is filed for the status described in such subparagraph before the individual attains 25 years of age. Clauses (i) through (iv) of this subparagraph shall apply to an individual described in this clause in the same manner as an individual filing a petition under subparagraph (A)(iv).''.

[(d) REMOVING A 2-YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting before the colon the following: ''or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household''.

[Subtitle B—VAWA Self-Petitioners

[SEC. 811. DEFINITION OF VAWA SELF-PETITIONER.

[Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

[''(51) The term 'VAWA self-petitioner' means an alien, or a child of the alien, who qualifies for relief under—

[''(A) clause (iii), (iv), or (vii) of section 204(a)(1)(A);

[''(B) clause (ii) or (iii) of section 204(a)(1)(B);

[''(C) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty;

[''(D) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note);

[''(E) section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act; or

[''(F) section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).''.

[SEC. 812. APPLICATION TO FIANCEES WHO DO NOT MARRY WITHIN 90 DAY PERIOD.

[(a) IN GENERAL.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended by inserting before the period at the end the following: '', unless the alien is eligible for status as a VAWA self-petitioner, for relief under section 240A(b)(2), or for relief under section 244(a)(3) (as in effect prior to March 31, 1997), and the alien married the United States citizen who filed the petition under section 101(a)(15)(K)(i)''.

[(b) EXEMPTION FOR BATTERED IMMIGRANT WOMEN WHO ENTERED THE UNITED STATES ON FINANCE VISAS FROM CONDITIONAL RESIDENCY STATUS REQUIREMENT.—Section 245(d) of the Immigration and Nationality Act (8 U.S.C. 1255(d)) is amended—

[(1) by inserting ''(1)'' after ''(d)''; and

[(2) by adding at the end the following:

[''(2) The failure of a nonimmigrant described in section 101(a)(15)(K) to marry within 3 months of being admitted in such status does not restrict the Secretary of Homeland Security's or the Attorney General's authority to adjust the status of the nonimmigrant, or grant relief under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997), provided that—

[''(A) the alien married the United States citizen who filed the petition under section 101(a)(15)(K)(i); and

[''(B) the United States citizen petitioner subjected a VAWA self-petitioner to battery or extreme cruelty.''.

[SEC. 813. APPLICATION IN CASE OF VOLUNTARY DEPARTURE.

[Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended to read as follows:

[''(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

[''(1) IN GENERAL.—Subject to paragraph (2), if an alien is permitted to depart voluntarily under this section and voluntarily fails to depart the United States within the time period specified, the alien—

[''(A) shall be subject to a civil penalty of not less than $1,000 and not more than $5,000; and

[''(B) shall be ineligible, for a period of 10 years, to receive any further relief under this section and sections 240A, 245, 248, and 249.

[''(2) APPLICATION OF VAWA PROTECTIONS.—The restrictions on relief under paragraph (1) shall not apply to relief under section 240A or 245 on the basis of a petition filed by a VAWA self-petitioner, or a petition filed under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997),if the extreme cruelty or battering occurred before the alien overstayed the grant of voluntary departure.

[''(3) NOTICE OF PENALTIES.—The order permitting an alien to depart voluntarily shall inform the alien of the penalties under this subsection.''.

[SEC. 814. REMOVAL PROCEEDINGS.

[(a) EXCEPTIONAL CIRCUMSTANCES.—

[(1) IN GENERAL.—Section 240(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)(1)) is amended by striking ''serious illness of the alien'' and inserting ''battery or extreme cruelty to the alien or any child or parent of the alien, serious illness of the alien,''.

[(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to a failure to appear that occurs before, on, or after the date of the enactment of this Act.

[(b) NONAPPLICATION OF REINSTATEMENT OF REMOVAL.—

[(1) IN GENERAL.—Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended—

[(A) by striking ''If the Attorney General'' and inserting the following:

[''(A) IN GENERAL.—If the Secretary of Homeland Security''; and

[(B) by adding at the end the following:

[''(B) EXEMPTION.—The provisions of subparagraph (A) shall not apply to an alien who has been battered or subjected to extreme cruelty or who is a crime victim whom the Attorney General or Secretary of Homeland Security determines may be statutorily eligible for classification under subparagraph (T) or (U) of section 101(a)(15), for classification under subparagraph (A)(1)(iii), (A)(1)(iv), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1), for classification as a VAWA self-petitioner, or for relief under section 240A(b)(2) or section 244(a)(3) (as in effect prior to March 31, 1997).''.

[(2) EFFECTIVE DATE.—The amendments made by paragraph (1) and the exemption in paragraph (2) shall apply to those eligible relief before, on, or after the date of enactment of this Act.

[(c) RESTRICTION ON REMOVAL WHILE VAWA PETITION PENDING.—

[(1) IN GENERAL.—Section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) is amended by adding at the end the following:

[''(f) RESTRICTION ON REMOVAL WHILE PETITION PENDING.—An alien who is a VAWA self-petitioner, the beneficiary under subparagraph (T) or (U) of section 101(a)(15) who meets the requirement of section 240A(b)(2) or subparagraphs (A) through (C) of section 216(c)(4), or who qualifies for relief under section 244(a)(3) (as in effect on March 31, 1997)—

[''(1) shall not be removed or deported unless the petition is denied and all opportunities for appeal of the denial have been exhausted; and

[''(2) shall not be detained while in removal proceedings, unless mandatory detention is required under section 236A or 236(c).''.

[(2) WAIVERS AND EXCEPTIONS.—Section 236(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

[(A) in paragraph (2) by inserting ''(A)'' before ''The Attorney General may release an alien described in paragraph (1) only''; and

[(B) adding at the end the following:

[''(B) The Secretary of Homeland Security or the Attorney General may release on their own recognizance an alien described in paragraph (1) if the Secretary or the Attorney General determines that the alien may qualify for—

[''(i) a waiver under section 212(d)(13), 212(d)(14), 212(h), 237(a)(2)(A)(v), or 237(a)(7); or

[''(ii) an exception under section 204(a)(1)(C); or

[''(iii) relief under section 240A(a).''.

[(d) CLARIFYING APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

[(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

[(A) in paragraph (1)(C), by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'' and inserting '', subject to paragraph (5)'';

[(B) in paragraph (2)(A)(iv), by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'' and inserting '', subject to paragraph (5)''; and

[(C) by adding at the end the following:

[''(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The authority provided under section 237(a)(7) shall apply under paragraphs (1)(B), (1)(C), and (2)(A)(iv) in a cancellation of removal and adjustment of status proceeding.''.

[SEC. 815. ELIMINATING ABUSERS' CONTROL OVER APPLICATIONS FOR ADJUSTMENTS OF STATUS.

[(a) APPLICATION OF VAWA DEPORTATION PROTECTIONS TO ALIENS ELIGIBLE FOR RELIEF UNDER CUBAN ADJUSTMENT AND HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note; division B of Public Law 106–386) is amended—

[(1) in subparagraph (A)—

[(A) by amending clause (i) to read as follows:

[''(i) if the basis of the motion is to apply for relief under—

[''(I) clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A));

[''(II) clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B));

[''(III) section 244(a)(3) of such Act (8 U.S.C. 8 U.S.C. 1254(a)(3));

[''(IV) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty; or

[''(V) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note); and''; and

[(B) in clause (ii), by inserting ''or adjustment of status'' after ''suspension of deportation''; and

[(2) in subparagraph (B)(ii), by striking ''for relief'' and all that follows through ''1101 note))'' and inserting ''for relief described in subparagraph (A)(i)''.

[(b) EMPLOYMENT AUTHORIZATION FOR VAWA SELF-PETITIONERS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

[''(l) An alien who is in the United States and has a petition, pending or approved as a VAWA self-petitioner, that sets forth a prima facie case for status or classification under such clause shall be eligible for employment authorization.''.

[SEC. 816. APPLICATION FOR VAWA-RELATED RELIEF.

[(a) IN GENERAL.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

[(1) in subparagraph (B)(ii), by inserting '', or was eligible for adjustment,'' after ''whose status is adjusted''; and

[(2) in subparagraph (E), by inserting '', or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women Act of 2005'' after ''April 1, 2000''.

[(b) TECHNICAL AMENDMENT.—Section 202(d)(3) of such Act (8 U.S.C. 1255 note; Public Law 105–100) is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

[(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

[SEC. 817. SELF-PETITIONING PARENTS.

[Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

[''(vii) An alien may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under section 201(b)(2)(A)(i) if the alien—

[''(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who, within the past 2 years, lost or renounced citizenship status related to an incident of domestic violence or died;

[''(II) is a person of good moral character;

[''(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i);

[''(IV) resides, or has resided, with the citizen daughter or son; and

[''(V) demonstrates that the alien has been battered or subject to extreme cruelty by the citizen daughter or son.''.

[SEC. 818. VAWA CONFIDENTIALITY NON-DISCLOSURE.

[Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a)) is amended—

[(1) in subsection (a)—

[(A) in the matter preceding paragraph (1), by striking ''(including any bureau or agency of such Department)'' and inserting '', the Secretary of Homeland Security, the Secretary of State, or any other official or employee of the Department of Homeland Security or Department of State (including any bureau or agency of either of such Departments)''; and

[(B) in paragraph (1)—

[(i) in subparagraph (D), by striking ''or'' at the end;

[(ii) in subparagraph (E), by adding ''or'' at the end; and

[(iii) by inserting after subparagraph (E) the following:

[''(F) in the case of an alien applying for status under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)), under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105), under section 244(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(a)(3)), as in effect prior to March 31, 1999, or as a VAWA self-petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)), the trafficker or perpetrator,''.

[(2) in subsection (b)(2), by inserting ''or his other designee'' after ''the discretion of the Attorney General.''.

[Subtitle C—Miscellaneous Amendments

[SEC. 821. DURATION OF T AND U VISAS.

[(a) T VISAS.—Section 214(o) of the Immigration and Nationality Act (8 U.S.C. 1184(o)) is amended by adding at the end the following:

[''(7)(A) Except as provided in subparagraph (B), an alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may be granted such status for a period of not more than 4 years.

[''(B) An alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may extend the period of such status beyond the period described in subparagraph (A) if a Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking or certifies that the presence of the alien in the United States is necessary to assist in the investigation or prosecution of such activity.''.

[(b) U VISAS.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:

[''(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be 4 years, but shall be extended upon certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's continued presence in the United States is required to assist in the investigation or prosecution of such criminal activity.''.

[(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO T AND U NONIMMIGRANT STATUS.—

[(1) IN GENERAL.—Section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) is amended—

[(A) by striking ''The Attorney General'' and inserting ''(a) The Secretary of Homeland Security'';

[(B) by inserting ''(subject to subsection (b))'' after ''except''; and

[(C) by adding at the end the following:

[''(b) The exceptions specified in paragraphs (1) through (4) of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15).''.

[(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking ''248(2)'' and inserting ''248(a)(2)''.

[SEC. 822. TECHNICAL CORRECTION TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.

[(a) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

[(1) in the first sentence, by striking ''(A)(i)(II)'' and inserting ''(A)(ii)''; and

[(2) in the fourth sentence, by striking ''subsection (b)(2)(B) of this section'' and inserting ''this subparagraph, subparagraph (A)(ii),''.

[(b) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking ''(A)(i)(III)'' and inserting ''(A)(iii)''.

[(c) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

[(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking ''(9)(A)'' and inserting ''(10)(A)''.

[(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in section 603(a)(1) of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 5082).

[SEC. 823. PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.

[(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) is amended—

[(1) in the last sentence, by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''; and

[(2) by adding at the end the following: ''An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005) if there is demonstrated a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.''.

[(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

[SEC. 824. SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.

[(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended—

[(1) in clause (i), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification'';

[(2) in clause (ii), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification''; and

[(3) in clause (iii), by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

[(b) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

[SEC. 825. DEPORTATION PROCEEDINGS.

[(a) DEPORTATION OR REMOVAL PROCEEDINGS.—

[(1) IN GENERAL.—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended—

[(A) in clause (iv), by striking ''The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply—'' and inserting ''No limitation on number of motions or on deadlines for filing motions under other provisions of this section shall apply—''; and

[(B) by adding at the end the following:

[''(v) STAY OF REMOVAL.—The filing of the motion described in clause (iv) shall stay the removal of the alien pending a final disposition of the motion, including the exhaustion of all appeals. Only 1 special motion under clause (iv) is permitted.''.

[(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 442(a) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1279).

[(b) MOTIONS TO REOPEN DEPORTATION PROCEEDINGS.—Section 1506(c)(2)(A) of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 8 U.S.C. 1229a note) is amended—

[(1) by inserting ''on number of motions or deadlines for filing motions'' after ''Notwithstanding any limitation'';

[(2) by inserting '', deadline, or limit on number of motions'' after ''there is no time limit''; and

[(3) by striking '', and the'' and inserting ''. The filing of a motion described in clauses (i) and (ii) shall stay the removal of the aliens pending a final disposition of the motion, including the exhaustion of all appeals. Only 1 motion under clauses (i) and (ii) is permitted. The''.

[(c) CONFORMING AMENDMENTS.—Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

[(1) in paragraph (6)(A)(ii)(III), by striking ''substantial''; and

[(2) in paragraph (9)(B)(iii)(IV), by striking ''who would be described in paragraph (6)(A)(ii)'' and inserting ''who demonstrates that the alien is described in subclauses (I) and (II) of paragraph (b)(A)(ii)''.

[SEC. 826. LIMITATIONS ON ENFORCEMENT.

[Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357) is amended by adding at the end the following:

[''(h) Immigration officers and employees shall not undertake any civil immigration enforcement action—

[''(1) at a domestic violence shelter, a victims services organization or program, a rape crisis center, a family justice center, or a supervised visitation center; or

[''(2) at, or in connection with the appearance at, a courthouse of an alien who is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or who is described in subparagraph (T) or (U) of section 101(a)(15).''.

[SEC. 827. PROTECTING ABUSED JUVENILES.

[Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 726, is further amended by adding at the end the following—

[''(i) An alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been battered, abused, neglected, or abandoned, shall not be compelled to contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under section 101(a)(27)(J)(iii)(I) of such Act.''.

[SEC. 828. RULEMAKING.

[Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title v of Public Law 106–386), this Act, and the amendments made by this Act.

[TITLE IX—SAFETY FOR INDIAN WOMEN

[SEC. 901. FINDINGS.

[Congress finds that—

[(1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;

[(2) Indian women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black Americans, 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women;

[(3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;

[(4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances;

[(5) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and

[(6) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

[SEC. 902. PURPOSES.

[The purposes of this title are—

[(1) to decrease the incidence of violent crimes against Indian women;

[(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and

[(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

[SEC. 903. CONSULTATION.

[(a) IN GENERAL.—The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902) and the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

[(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary and the Attorney General shall solicit recommendations from Indian tribes concerning—

[(1) administering tribal funds and programs;

[(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

[(3) strengthening the Federal response to such violent crimes.

[SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

[(a) NATIONAL BASELINE STUDY.—

[(1) IN GENERAL.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country.

[(2) SCOPE.—

[(A) IN GENERAL.—The study shall examine violence committed against Indian women, including—

[(i) domestic violence;

[(ii) dating violence;

[(iii) sexual assault;

[(iv) stalking; and

[(v) murder.

[(B) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

[(C) RECOMMENDATIONS.—The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

[(3) TASK FORCE.—

[(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

[(B) MEMBERS.—The Director shall appoint to the task force representatives from—

[(i) national tribal domestic violence and sexual assault nonprofit organizations;

[(ii) tribal governments; and

[(iii) representatives from the national tribal organizations.

[(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

[(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of

fiscal years 2006 and 2007, to remain available until expended.

[(b) INJURY STUDY.—

[(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service and the Injury Control Division of the Centers for Disease Control and Prevention, shall conduct a study to obtain a national projection of—

[(A) the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaska Native women; and

[(B) the cost of providing health care for the injuries described in subparagraph (A).

[(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the findings made in the study and recommends for health care strategies for reducing the incidence and cost of the injuries described in paragraph (1).

[(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each of fiscal years 2006 and 2007, to remain available until expended.

[SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.

[(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

[(1) by redesignating subsection (d) as subsection (e); and

[(2) by inserting after subsection (c) the following:

[''(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.''.

[(b) TRIBAL REGISTRY.—

[(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

[(A) a national tribal sex offender registry; and

[(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

[(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

[SEC. 906. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE AGAINST WOMEN.

[Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

[''SEC. 2007. TRIBAL DEPUTY.

[''(a) ESTABLISHMENT.—There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

[''(b) DUTIES.—

[''(1) IN GENERAL.—The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

[''(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;

[''(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefited shall be a prerequisite to the making of the grant or letting of the contract;

[''(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women;

[''(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women;

[''(E) represent the Office on Violence Against Women in the annual consultations under section 903;

[''(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;

[''(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women;

[''(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and

[''(I) ensure that adequate tribal technical assistance is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

[''(c) AUTHORITY.—

[''(1) IN GENERAL.—The Deputy Director shall ensure that a portion of the tribal setaside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), or the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491) is used to enhance the capacity of Indian tribes to address the safety of Indian women.

[''(2) ACCOUNTABILITY.—The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

[''(A) enhancement to the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

[''(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;

[''(C) development of tribal educational awareness programs and materials;

[''(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and

[''(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.''.

[SEC. 907. ENHANCED CRIMINAL LAW RESOURCES.

[(a) FIREARMS POSSESSION PROHIBITIONS.—Section 921(33)(A)(i) of title 18, United States Code, is amended to read: ''(i) is a misdemeanor under Federal, State, or Tribal law; and''.

[(b) LAW ENFORCEMENT AUTHORITY.—Section 4(3) of the Indian Law Enforcement Reform Act (25 U.S.C. 2803(3) is amended—

[(1) in subparagraph (A), by striking ''or'';

[(2) in subparagraph (B), by striking the semicolon and inserting '', or''; and

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

[''(C) the offense is a misdemeanor crime of domestic violence and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing the crime;''.

[SEC. 908. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.

[Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

[''§ 117. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.

[''Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—

[''(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

[''(2) an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.''.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Violence Against Women Act of 2005''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Universal definitions and grant provisions.

TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

Sec. 101. Stop grants improvements.
Sec. 102. Grants to encourage arrest and enforce protection orders improvements.
Sec. 103. Legal assistance for victims improvements.
Sec. 104. Ensuring crime victim access to legal services.
Sec. 105. The Violence Against Women Act court training and improvements.
Sec. 106. Full faith and credit improvements.
Sec. 107. Privacy protections for victims of domestic violence, dating violence, sexual violence, and stalking.
Sec. 108. Sex offender management.
Sec. 109. Stalker database.
Sec. 110. Federal victim assistants reauthorization.
Sec. 111. Grants for law enforcement training programs.
Sec. 112. Reauthorization of the Court-Appointed Special Advocate Program.
Sec. 113. Preventing cyberstalking.
Sec. 114. Criminal provision relating to stalking.
Sec. 115. Repeat offender provision.
Sec. 116. Prohibiting dating violence.
Sec. 117. Prohibiting violence in special maritime and territorial jurisdiction.

TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Sec. 201. Findings.

Sec. 202. Sexual assault services program.
Sec. 203. Amendments to the rural domestic violence and child abuse enforcement assistance program.
Sec. 204. Training and services to end violence against women with disabilities.
Sec. 205. Training and services to end violence against women in later life.
Sec. 206. Strengthening the national domestic violence hotline.

TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

Sec. 301. Findings.
Sec. 302. Rape prevention and education.
Sec. 303. Services, education, protection, and justice for young victims of violence.
Sec. 304. Grants to reduce violence against women on campus.
Sec. 305. Juvenile justice.
Sec. 306. Safe havens.

TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

Sec. 401. Preventing violence against women and children.
Sec. 402. Study conducted by the Centers for Disease Control and Prevention.

TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Sec. 501. Findings.
Sec. 502. Purpose.
Sec. 503. Training and education of health professionals in domestic and sexual violence.
Sec. 504. Grants to foster public health responses to domestic violence, dating violence, sexual assault, and stalking grants.
Sec. 505. Research on effective interventions in the healthcare setting.

TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

Sec. 601. Addressing the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking.
Sec. 602. Transitional housing assistance grants for victims of domestic violence, dating violence, sexual assault, or stalking.
Sec. 603. Public and Indian housing authority plans reporting requirement.
Sec. 604. Housing strategies.
Sec. 605. Amendment to the McKinney-Vento Homeless Assistance Act.
Sec. 606. Amendments to the low-income housing assistance voucher program.
Sec. 607. Amendments to the public housing program.

TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

Sec. 701. Emergency leave.
Sec. 702. Grant for national clearinghouse and resource center on workplace responses to assist victims of domestic and sexual violence.

TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANT WOMEN

Subtitle A—Victims of Crime

Sec. 801. Treatment of spouse and children of victims.
Sec. 802. Presence of victims of a severe form of trafficking in persons.
Sec. 803. Adjustment of status for victims of trafficking.
Sec. 804. Protection and assistance for victims of trafficking.
Sec. 805. Protecting victims of child abuse.

Subtitle B—VAWA Self-Petitioners

Sec. 811. Definition of VAWA self-petitioner.
Sec. 812. Application to fiancees who do not marry within 90-day period.
Sec. 813. Application in case of voluntary departure.
Sec. 814. Removal proceedings.
Sec. 815. Eliminating abusers' control over applications for adjustments of status.
Sec. 816. Application for VAWA-related relief.
Sec. 817. Self-petitioning parents.
Sec. 818. VAWA confidentiality nondisclosure.

Subtitle C—Miscellaneous Amendments

Sec. 821. Duration of T and U visas.
Sec. 822. Technical correction to references in application of special physical presence and good moral character rules.
Sec. 823. Petitioning rights of certain former spouses under Cuban adjustment.
Sec. 824. Self-petitioning rights of HRIFA applicants.
Sec. 825. Deportation proceedings.
Sec. 826. Limitations on enforcement.
Sec. 827. Protecting abused juveniles.
Sec. 828. Rulemaking.

Subtitle D—International Marriage Broker Regulation

Sec. 831. Short title.
Sec. 832. Definitions.
Sec. 833. Regulation of international marriage brokers.
Sec. 834. Information about legal rights and resources for immigrant victims of domestic violence.
Sec. 835. Changes in processing K nonimmigrant visas; consular confidentiality.
Sec. 836. Study and report.
Sec. 837. Effective date.

TITLE IX—SAFETY FOR INDIAN WOMEN

Sec. 901. Findings.
Sec. 902. Purposes.
Sec. 903. Consultation.
Sec. 904. Analysis and research on violence against Indian women.
Sec. 905. Tracking of violence against Indian women.
Sec. 906. Tribal deputy in the Office on Violence Against Women.
Sec. 907. Enhanced criminal law resources.
Sec. 908. Domestic assault by an habitual offender.

TITLE X—DNA FINGERPRINTING

Sec. 1001. Short title.
Sec. 1002. Use of opt-out procedure to remove samples from national DNA index.
Sec. 1003. Expanded use of CODIS grants.
Sec. 1004. Authorization to conduct DNA sample collection from persons arrested or detained under Federal authority.
Sec. 1005. Tolling of statute of limitations for sexual-abuse offenses.

SEC. 3. UNIVERSAL DEFINITIONS AND GRANT PROVISIONS.

(a) IN GENERAL.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding after section 40001 the following:

"SEC. 40002. DEFINITIONS AND GRANT PROVISIONS.

''(a) DEFINITIONS.—In this title:

''(1) COURTS.—The term 'courts' means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

''(2) CHILD ABUSE AND NEGLECT.—The term 'child abuse and neglect' means any recent act or failure to act on the part of a parent or caregiver which results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm.

''(3) CHILD MALTREATMENT.—The term 'child maltreatment' means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

''(4) COURT-BASED AND COURT-RELATED PERSONNEL.—The term 'court-based' and 'court-related personnel' mean persons working in the court, whether paid or volunteer, including—

''(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

''(B) court security personnel;

''(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

''(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

''(5) DOMESTIC VIOLENCE.—The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult, youth, or child victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

''(6) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of—

''(A) the length of the relationship;

''(B) the type of relationship; and

''(C) the frequency of interaction between the persons involved in the relationship.

''(7) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

''(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

''(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

''(i) The length of the relationship.

''(ii) The type of relationship.

''(iii) The frequency of interaction between the persons involved in the relationship.

''(8) ELDER ABUSE.—The term 'elder abuse' means any action against a person who is 60 years of age or older that constitutes the willful—

''(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

''(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

''(9) INDIAN.—The term 'Indian' means a member of an Indian tribe.

''(10) INDIAN HOUSING.—The term 'Indian housing' means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq., as amended).

''(11) INDIAN TRIBE.—The term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established

pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(12) INDIAN LAW ENFORCEMENT.—The term 'Indian law enforcement' means the departments or individuals under the direction of the Indian tribe that maintain public order.

''(13) LAW ENFORCEMENT.—The term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

''(14) LEGAL ASSISTANCE.—The term 'legal assistance' includes assistance to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in—

''(A) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

''(B) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy.

''(15) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term 'linguistically and culturally specific services' means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward racial and ethnic populations and other underserved communities.

''(16) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

''(A) a first and last name;

''(B) a home or other physical address;

''(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

''(D) a social security number; and

''(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

''(17) PROSECUTION.—The term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs).

''(18) PROTECTION ORDER OR RESTRAINING ORDER.—The term 'protection order' or 'restraining order' includes—

''(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

''(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

''(19) RURAL AREA AND RURAL COMMUNITY.—The term 'rural area' and 'rural community' mean—

''(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

''(B) any area or community, respectively, that is—

''(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

''(ii) located in a rural census tract.

''(20) RURAL STATE.—The term 'rural State' means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

''(21) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

''(22) STALKING.—The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

''(A) fear for his or her safety or the safety of others; or

''(B) suffer substantial emotional distress.

''(23) STATE.—The term 'State' means each of the several States and the District of Columbia, and except as otherwise provided, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

''(24) STATE DOMESTIC VIOLENCE COALITION.—The term 'State domestic violence coalition' means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)).

''(25) STATE SEXUAL ASSAULT COALITION.—The term 'State sexual assault coalition' means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

''(26) TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term 'territorial domestic violence or sexual assault coalition' means a program addressing domestic or sexual violence that is—

''(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

''(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

''(27) TRIBAL COALITION.—The term 'tribal coalition' means—

''(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian or Alaskan Native women; or

''(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian or Alaskan Native women.

''(28) TRIBAL GOVERNMENT.—The term 'tribal government' means—

''(A) the governing body of an Indian tribe; or

''(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(29) TRIBAL ORGANIZATION.—The term 'tribal organization' means—

''(A) the governing body of any Indian tribe;

''(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

''(C) any tribal nonprofit organization.

''(30) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.

''(31) VICTIM ADVOCATE.—The term 'victim advocate' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

''(32) VICTIM ASSISTANT.—The term 'victim assistant' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

''(33) VICTIM SERVICES OR VICTIM SERVICE PROVIDER.—The term 'victim services' or 'victim service provider' means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

''(34) YOUTH.—The term 'youth' means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

''(b) GRANT CONDITIONS.—

''(1) MATCH.—No matching funds shall be required for a grant or subgrant made under this title for any unit of local government, tribe, territory, or victim service provider.

''(2) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

''(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of persons receiving services.

''(B) NONDISCLOSURE.—Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

''(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or

''(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, person with disabilities, or the abuser of the other parent of the minor.

''(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

''(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

''(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

''(D) INFORMATION SHARING.—Grantees and subgrantees may share—

''(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

''(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

''(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

''(3) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

''(4) NON-SUPPLANTATION.—Any Federal funds received under this title shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities under this title.

''(5) USE OF FUNDS.—Funds authorized and appropriated under this title may be used only for the specific purposes described in this title and shall remain available until expended.

''(6) REPORTS.—An entity receiving a grant under this title shall submit to the disbursing agency a report detailing the activities undertaken with the grant funds, including and providing additional information as the agency shall require.

''(7) EVALUATION.—Federal agencies disbursing funds under this title shall set aside up to 3 percent of such funds in order to conduct—

''(A) evaluations of specific programs or projects funded by the disbursing agency under this title or related research; or

''(B) evaluations of promising practices or problems emerging in the field or related research, in order to inform the agency or agencies as to which programs or projects are likely to be effective or responsive to needs in the field.

''(8) NONEXCLUSIVITY.—Nothing in this title shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under this title.''.

(b) DEFINITIONS AND GRANT CONDITIONS IN CRIME CONTROL ACT.—

(1) PART T.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by striking section 2008 and inserting the following:

''SEC. 2008. DEFINITIONS AND GRANT CONDITIONS.

''In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

(2) PART U.—Section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

''SEC. 2105. DEFINITIONS AND GRANT CONDITIONS.

''In this part the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

(c) DEFINITIONS AND GRANT CONDITIONS IN 2000 ACT.—Section 1002 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–2 note) is amended to read as follows:

''SEC. 1002. DEFINITIONS AND GRANT CONDITIONS.

''In this division the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

SEC. 101. STOP GRANTS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended by striking ''$185,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$225,000,000 for each of fiscal years 2006 through 2010''.

(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (10), by striking ''and'' after the semicolon;

(2) in paragraph (11), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families.''.

(c) CLARIFICATION OF ACTIVITIES REGARDING UNDERSERVED POPULATIONS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: ''and describe how the State will address the needs of racial and ethnic populations and underserved populations''; and

(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

''(D) recognize and meaningfully respond to the needs of underserved populations and ensure that monies set aside to fund linguistically and culturally specific services and activities for underserved populations are distributed equitably among those populations.''.

(d) TRIBAL AND TERRITORIAL SETASIDES.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''5 percent'' and inserting ''10 percent'';

(B) in paragraph (2), striking by ''1/54'' and inserting ''1/56'';

(C) in paragraph (3), by striking ''and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54'' and inserting ''coalitions for Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56''; and

(D) in paragraph (4), by striking ''1/54'' and inserting ''1/56''; and

(2) in subsection (d)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) documentation showing that tribal, territorial, State or local prosecution, law enforcement, and court and victim service providers have consulted with tribal, territorial, State, or local victim service programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.''.

(e) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended by adding at the end the following:

''(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—

''(1) IN GENERAL.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees, subgrantees and other entities.

''(2) INDIAN TRAINING.—The Director of the Office on Violence Against Women shall ensure that training or technical assistance regarding violence against Indian women will be developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law.''.

(f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by adding at the end the following:

''(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a State, Indian tribal government, or territorial government to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.

''(e) JUDICIAL NOTIFICATION.—

''(1) IN GENERAL.—A State, Indian tribal government, or unit of local government shall not be entitled to funds under this part unless the State, Indian tribal government, or unit of local government—

''(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, United States Code, and any applicable related Federal, State, or local laws; or

''(B) gives the Attorney General assurances that its judicial administrative policies and practices will be in compliance with the requirements of subparagraph (A) within the later of—

''(i) the period ending on the date on which the next session of the State legislature ends; or

''(ii) 2 years.

''(2) REDISTRIBUTION.—Funds withheld from a State, unit of local government, or Indian tribal government under subsection (a) shall be distributed to other States, units of local government, and Indian tribal governments, pro rata.''.

(g) POLYGRAPH TESTING PROHIBITION.—Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

''SEC. 2013. POLYGRAPH TESTING PROHIBITION.

''(a) IN GENERAL.—In order to be eligible for grants under this part, a State, Indian tribal government, territorial government, or unit of local government shall certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense.

''(b) PROSECUTION.—The refusal of a victim to submit to an examination described in subsection (a) shall not prevent the investigation, charging, or prosecution of the offense.''.

SEC. 102. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of title I of the Omnibus Crime

Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking ''$65,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$75,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this paragraph shall remain available until expended.''.

(b) GRANTEE REQUIREMENTS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking ''to treat domestic violence as a serious violation'' and inserting ''to treat domestic violence, dating violence, sexual assault, and stalking as serious violations'';

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting after ''State'' the following: '', tribal, territorial,'';

(B) in paragraph (1), by—

(i) striking ''mandatory arrest or''; and

(ii) striking ''mandatory arrest programs and'';

(C) in paragraph (2), by—

(i) inserting after ''educational programs,'' the following: ''protection order registries,'';

(ii) striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking. Policies, educational programs, protection order registries, and training described in this paragraph shall incorporate confidentiality, and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking'';

(D) in paragraph (3), by—

(i) striking ''domestic violence cases'' and inserting ''domestic violence, dating violence, sexual assault, and stalking cases''; and

(ii) striking ''groups'' and inserting ''teams'';

(E) in paragraph (5), by striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking'';

(F) in paragraph (6), by—

(i) striking ''other'' and inserting ''civil''; and

(ii) inserting after ''domestic violence'' the following: '', dating violence, sexual assault, and stalking''; and

(G) by adding at the end the following:

''(9) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking, and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

''(10) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, nongovernmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families. Although funds may be used to support the colocation of project partners under this paragraph, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.

''(11) To develop and implement policies and training for police, prosecutors, probation and parole officers, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.'';

(3) in subsection (c)—

(A) in paragraph (3), by striking ''and'' after the semicolon;

(B) in paragraph (4), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(5) certify that, not later than 3 years after the date of enactment of this section, their laws, policies, or practices will ensure that—

''(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; and

''(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation of the offense.''; and

(4) by striking subsections (d) and (e) and inserting the following:

''(d) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.''.

(c) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after ''involving domestic violence'' the following: '', dating violence, sexual assault, or stalking''.

(d) TRAINING, TECHNICAL ASSISTANCE, CONFIDENTIALITY.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

''SEC. 2106. TRAINING AND TECHNICAL ASSISTANCE.

''Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training and technical assistance relating to the purpose areas of this part to improve the capacity of grantees and other entities.''.

SEC. 103. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a), by—

(A) inserting before ''legal assistance'' the following: ''civil and criminal'';

(B) inserting after ''effective aid to'' the following: ''adult and youth''; and

(C) inserting at the end the following: ''Criminal legal assistance provided for under this section shall be limited to criminal matters relating to domestic violence, sexual assault, dating violence, and stalking.'';

(2) in subsection (c), by inserting ''and tribal organizations, territorial organizations'' after ''Indian tribal governments'';

(3) in subsection (d) by striking paragraph (2) and inserting the following:

''(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

(4) in subsection (e), by inserting ''dating violence,'' after ''domestic violence,''; and

(5) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $65,000,000 for each of fiscal years 2006 through 2010.''; and

(B) in paragraph (2)(A), by—

(i) striking ''5 percent'' and inserting ''10 percent''; and

(ii) inserting ''adult and youth'' after ''that assist''.

SEC. 104. ENSURING CRIME VICTIM ACCESS TO LEGAL SERVICES.

(a) IN GENERAL.—Section 502 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2510) is amended—

(1) in subsection (a)(2)(C)—

(A) in the matter preceding clause (i), by striking ''using funds derived from a source other than the Corporation to provide'' and inserting ''providing'';

(B) in clause (i), by striking ''in the United States'' and all that follows and inserting ''or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)); or''; and

(C) in clause (ii), by striking ''has been battered'' and all that follows and inserting '', without the active participation of the alien, has been battered or subjected to extreme cruelty or a victim of sexual assault or trafficking in the United States, or qualifies for immigration relief under section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)).''; and

(2) in subsection (b)(2), by striking ''described in such subsection'' and inserting '', sexual assault or trafficking, or the crimes listed in section 101(a)(15)(U)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)(iii))''.

(b) SAVINGS PROVISION.—Nothing in this Act, or the amendments made by this Act, shall be construed to restrict the legal assistance provided to victims of trafficking and certain family members authorized under section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)).

SEC. 105. THE VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.

(a) VIOLENCE AGAINST WOMEN ACT COURT TRAINING AND IMPROVEMENTS.—The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

''Subtitle J—Violence Against Women Act Court Training and Improvements

''SEC. 41001. SHORT TITLE.

''This subtitle may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'.

''SEC. 41002. PURPOSE.

''The purpose of this subtitle is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking to be used for—

''(1) improved internal civil and criminal court functions, responses, practices, and procedures;

''(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality, and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

''(3) collaboration and training with Federal, State, tribal, territorial, and local public agencies and officials and nonprofit, nongovernmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial, and local law;

''(4) enabling courts or court-based or court-related programs to develop new or enhance current—

''(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services);

''(B) community-based initiatives within the court system (such as court watch programs, victim assistants, or community-based supplementary services);

''(C) offender management, monitoring, and accountability programs;

''(D) safe and confidential information-storage and -sharing databases within and between court systems;

''(E) education and outreach programs to improve community access, including enhanced access for racial and ethnic communities and underserved populations; and

''(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking; and

''(5) providing technical assistance to Federal, State, tribal, territorial, or local courts wishing to improve their practices and procedures or to develop new programs.

''SEC. 41003. GRANT REQUIREMENTS.

''Grants awarded under this subtitle shall be subject to the following conditions:

''(1) ELIGIBLE GRANTEES.—Eligible grantees may include—

''(A) Federal, State, tribal, territorial, or local courts or court-based programs; and

''(B) national, State, tribal, territorial, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

''(2) CONDITIONS OF ELIGIBILITY.—To be eligible for a grant under this section, applicants shall certify in writing that—

''(A) any courts or court-based personnel working directly with or making decisions about adult or youth parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking;

''(B) any education program developed under section 41002 has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition; and

''(C) the grantee's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue.

''SEC. 41004. NATIONAL EDUCATION CURRICULA.

''(a) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

''(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

''(1) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

''(2) if the primary grantee does not have demonstrated expertise with such issues, shall be developed by the primary grantee in partnership with an organization having such expertise.

''SEC. 41005. TRIBAL CURRICULA.

''(a) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult and youth domestic violence, dating violence, sexual assault, and stalking.

''(b) ELIGIBLE ENTITIES.—Any curricula developed under this section—

''(1) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; and

''(2) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

''SEC. 41006. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2006 to 2010.

''(b) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.

''(c) SET ASIDE.—Of the amounts made available under this subsection in each fiscal year, not less than 10 percent shall be used for grants for tribal courts, tribal court-related programs, and tribal nonprofits.''.

SEC. 106. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2265 of title 18, United States Code, is amended by—

(1) striking ''or Indian tribe'' each place it appears and inserting '', Indian tribe, or territory''; and

(2) striking ''State or tribal'' each place it appears and inserting ''State, tribal, or territorial''.

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking ''and enforced as if it were'' and inserting ''and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were''.

(c) LIMITS ON INTERNET PUBLICATION OF PROTECTION ORDER INFORMATION.—Section 2265(d) of title 18, United States Code, is amended by adding at the end the following:

''(3) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—A State, Indian tribe, or territory shall not publish publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.''.

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended—

(1) by striking paragraph (5) and inserting the following:

''(5) PROTECTION ORDER.—The term 'protection order' includes—

''(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

''(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.''; and

(2) in clauses (i) and (ii) of paragraph (7)(A), by striking ''2261A, a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser'' and inserting ''2261A—

''(I) a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or

''(II) a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship''.

SEC. 107. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

''Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

''SEC. 41101. GRANTS TO PROTECT THE PRIVACY AND CONFIDENTIALITY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''The Attorney General, through the Director of the Office on Violence Against Women, may award grants under this subtitle to States, Indian tribes, territories, or local agencies or nonprofit, nongovernmental organizations to ensure that personally identifying information of adult, youth, and child victims of domestic violence, sexual violence, stalking, and dating violence shall not be released or disclosed to the detriment of such victimized persons.

''SEC. 41102. PURPOSE AREAS.

''Grants made under this subtitle may be used—

''(1) to develop or improve protocols, procedures, and policies for the purpose of preventing the release of personally identifying information of victims (such as developing alternative identifiers);

''(2) to defray the costs of modifying or improving existing databases, registries, and victim notification systems to ensure that personally identifying information of victims is protected from release, unauthorized information sharing and disclosure;

''(3) to develop confidential opt out systems that will enable victims of violence to make a single request to keep personally identifying information out of multiple databases, victim notification systems, and registries; or

''(4) to develop safe uses of technology (such as notice requirements regarding electronic surveillance by government entities), to protect against abuses of technology (such as electronic or GPS stalking), or providing training for law enforcement on high tech electronic crimes of domestic violence, dating violence, sexual assault, and stalking.

''SEC. 41103. ELIGIBLE ENTITIES.

''Entities eligible for grants under this subtitle include—

''(1) jurisdictions or agencies within jurisdictions having authority or responsibility for developing or maintaining public databases, registries or victim notification systems;

''(2) nonprofit nongovernmental victim advocacy organizations having expertise regarding confidentiality, privacy, and information technology and how these issues are likely to impact the safety of victims;

''(3) States or State agencies;

''(4) local governments or agencies;

''(5) Indian tribal governments or tribal organizations;

''(6) territorial governments, agencies, or organizations; or

''(7) nonprofit nongovernmental victim advocacy organizations, including statewide domestic violence and sexual assault coalitions.

''SEC. 41104. GRANT CONDITIONS.

''Applicants described in paragraph (1) and paragraphs (3) through (6) shall demonstrate that they have entered into a significant partnership with a State, tribal, territorial, or local victim service or advocacy organization or condition in order to develop safe, confidential, and

effective protocols, procedures, policies, and systems for protecting personally identifying information of victims.

''SEC. 41105. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $5,000,000 for each of fiscal years 2006 through 2010.

''(b) TRIBAL ALLOCATION.—Of the amount made available under this section in each fiscal year, 10 percent shall be used for grants to Indian tribes for programs that assist victims of domestic violence, dating violence, stalking, and sexual assault.

''(c) TECHNICAL ASSISTANCE AND TRAINING.—Of the amount made available under this section in each fiscal year, not less than 5 percent shall be used for grants to organizations that have expertise in confidentiality, privacy, and technology issues impacting victims of domestic violence, dating violence, sexual assault, and stalking to provide technical assistance and training to grantees and non-grantees on how to improve safety, privacy, confidentiality, and technology to protect victimized persons.''.

SEC. 108. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 109. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking ''2001'' and inserting ''2006''; and

(2) by striking ''2006'' and inserting ''2010''.

SEC. 110. FEDERAL VICTIM ASSISTANTS REAUTHORIZATION.

Section 40114 of the Violence Against Women Act of 1994 (Public Law 103–322) is amended to read as follows:

''SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

''There are authorized to be appropriated for the United States attorneys for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 111. GRANTS FOR LAW ENFORCEMENT TRAINING PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ACT OF TRAFFICKING.—The term ''act of trafficking'' means an act or practice described in paragraph (8) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means a State or a local government.

(3) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.

(4) VICTIM OF TRAFFICKING.—The term ''victim of trafficking'' means a person subjected to an act of trafficking.

(b) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities to provide training to State and local law enforcement personnel to identify and protect victims of trafficking.

(c) USE OF FUNDS.—A grant awarded under this section shall be used to—

(1) train law enforcement personnel to identify and protect victims of trafficking, including training such personnel to utilize Federal, State, or local resources to assist victims of trafficking;

(2) train law enforcement or State or local prosecutors to identify, investigate, or prosecute acts of trafficking; or

(3) train law enforcement or State or local prosecutors to utilize laws that prohibit acts of trafficking and to assist in the development of State and local laws to prohibit acts of trafficking.

(d) RESTRICTIONS.—

(1) ADMINISTRATIVE EXPENSES.—An eligible entity that receives a grant under this section may use not more than 5 percent of the total amount of such grant for administrative expenses.

(2) NONEXCLUSIVITY.—Nothing in this section may be construed to restrict the ability of an eligible entity to apply for or obtain funding from any other source to carry out the training described in subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2010 to carry out the provisions of this section.

SEC. 112. REAUTHORIZATION OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) FINDINGS.—Section 215 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13011) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) Court Appointed Special Advocates, who may serve as guardians ad litem, are trained volunteers appointed by courts to advocate for the best interests of children who are involved in the juvenile and family court system due to abuse or neglect;

''(2) the National Court Appointed Special Advocate Association maintains a system of accountability, including standards, quality assurance, training, and technical assistance for a network of 70,000 volunteers in more than 850 programs operating in 49 States, the District of Columbia, and the Virgin Islands; and

''(3) in 2003, Court Appointed Special Advocate volunteers represented 288,000 children, more than 50 percent of the estimated 540,000 children in foster care because of substantiated cases of child abuse or neglect.''.

(b) IMPLEMENTATION DATE.—Section 216 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13012) is amended by striking ''January 1, 1995'' and inserting ''January 1, 2010''.

(c) CLARIFICATION OF PROGRAM GOALS.—Section 217 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13013) is amended—

(1) in subsection (a), by striking ''to expand'' and inserting ''to initiate, sustain, and expand'';

(2) subsection (b)—

(A) in paragraph (1), by striking ''to initiate or expand'' and inserting ''to initiate, sustain, and expand''; and

(B) in paragraph (2), by—

(i) striking ''(1)(a)'' and inserting ''(1)(A)''; and

(ii) striking ''to initiate and to expand'' and inserting ''to initiate, sustain, and expand''; and

(3) by adding at the end the following:

''(d) BACKGROUND CHECKS.—State and local Court Appointed Special Advocate programs are authorized to request criminal background checks from the Federal Bureau of Investigation National Crime Information Center for prospective volunteers. The requesting program is responsible for the reasonable costs associated with the Federal records check.''.

(d) REAUTHORIZATION.—Section 218 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014) is amended by striking subsection (a) and inserting the following:

''(a) AUTHORIZATION.—There is authorized to be appropriated to carry out this subtitle $17,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 113. PREVENTING CYBERSTALKING.

(a) IN GENERAL.—Paragraph (1) of section 223(h) of the Communications Act of 1934 (47 U.S.C. 223(h)(1)) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) in the case of subparagraph (C) of subsection (a)(1), includes any device or software that can be used to originate telecommunications or other types of communications that are transmitted, in whole or in part, by the Internet (as such term is defined in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note)).''.

(b) RULE OF CONSTRUCTION.—This section and the amendment made by this section may not be construed to affect the meaning given the term ''telecommunications device'' in section 223(h)(1) of the Communications Act of 1934, as in effect before the date of the enactment of this section.

SEC. 114. CRIMINAL PROVISION RELATING TO STALKING.

(a) INTERSTATE STALKING.—Section 2261A of title 18, United States Code, is amended to read as follows:

''§ 2261A. Stalking

''Whoever—

''(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, place under surveillance, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, or causes substantial emotional distress to that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or

''(2) with the intent—

''(A) to kill, injure, harass, place under surveillance, intimidate, or cause substantial emotional distress to a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

''(B) to place a person in another State or tribal jurisdiction, or within the special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to—

''(i) that person;

''(ii) a member of the immediate family (as defined in section 115 of that person; or

''(iii) a spouse or intimate partner of that person;

uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that causes substantial emotional distress to that person or places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii) of subparagraph (B);

shall be punished as provided in section 2261(b) of this title.''.

(b) ENHANCED PENALTIES FOR STALKING.—Section 2231(b) of title 18, United States Code, is amended by adding at the end the following:

''(6) Whoever commits the crime of stalking in violation of a temporary or permanent civil or criminal injunction, restraining order, no-contact order, or other order described in section 2266 of title 18, United States Code, shall be punished by imprisonment for not less than 1 year.''.

SEC. 115. REPEAT OFFENDER PROVISION.

Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

''§ 2265A. Repeat offenders

''(a) MAXIMUM TERM OF IMPRISONMENT.—The maximum term of imprisonment for a violation of this chapter after a prior domestic violence or stalking offense shall be twice the term otherwise provided under this chapter.

''(b) DEFINITION.—For purposes of this section—

''(1) the term 'prior domestic violence or stalking offense' means a conviction for an offense—

''(A) under section 2261, 2261A, or 2262 of this chapter; or

''(B) under State law for an offense consisting of conduct that would have been an offense under a section referred to in subparagraph (A) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States, or in interstate or foreign commerce; and

''(2) the term 'State' means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.''.

SEC. 116. PROHIBITING DATING VIOLENCE.

(a) IN GENERAL.—Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), striking ''or intimate partner'' and inserting '', intimate partner, or dating partner''; and

(2) in paragraph (2), striking ''or intimate partner'' and inserting '', intimate partner, or dating partner''.

(b) DEFINITION.—Section 2266 of title 18, United States Code, is amended by adding at the end the following:

''(10) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser and the existence of such a relationship based on a consideration of—

''(A) the length of the relationship; and

''(B) the type of relationship; and

''(C) the frequency of interaction between the persons involved in the relationship.''.

SEC. 117. PROHIBITING VIOLENCE IN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.

(a) DOMESTIC VIOLENCE.—Section 2261(a)(1) of title 18, United States Code, is amended by inserting after ''Indian country'' the following: ''or within the special maritime and territorial jurisdiction of the United States''.

(b) PROTECTION ORDER.—Section 2262(a)(1) of title 18, United States Code, is amended by inserting after ''Indian country'' the following: ''or within the special maritime and territorial jurisdiction of the United States''.

SEC. 118. UPDATING PROTECTION ORDER DEFINITION.

Section 9534 of title 28, United States Code, is amended by striking subsection (e)(3)(B) and inserting the following:

''(B) the term 'protection order' includes—

''(i) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

''(ii) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.''.

TITLE II—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 201. FINDINGS.

Congress finds the following:

(1) Nearly 1/3 of American women report physical or sexual abuse by a husband or boyfriend at some point in their lives.

(2) According to the National Crime Victimization Survey, 248,000 Americans 12 years of age and older were raped or sexually assaulted in 2002.

(3) Rape and sexual assault in the United States is estimated to cost $127,000,000,000 per year, including—

(A) lost productivity;

(B) medical and mental health care;

(C) police and fire services;

(D) social services;

(E) loss of and damage to property; and

(F) reduced quality of life.

(4) Nonreporting of sexual assault in rural areas is a particular problem because of the high rate of nonstranger sexual assault.

(5) Geographic isolation often compounds the problems facing sexual assault victims. The lack of anonymity and accessible support services can limit opportunities for justice for victims.

(6) Domestic elder abuse is primarily family abuse. The National Elder Abuse Incidence Study found that the perpetrator was a family member in 90 percent of cases.

(7) Barriers for older victims leaving abusive relationships include—

(A) the inability to support themselves;

(B) poor health that increases their dependence on the abuser;

(C) fear of being placed in a nursing home; and

(D) ineffective responses by domestic abuse programs and law enforcement.

(8) Disabled women comprise another vulnerable population with unmet needs. Women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others.

(9) Many women with disabilities also fail to report the abuse, since they are dependent on their abusers and fear being abandoned or institutionalized.

(10) Of the 598 battered women's programs surveyed—

(A) only 35 percent of these programs offered disability awareness training for their staff; and

(B) only 16 percent dedicated a staff member to provide services to women with disabilities.

(11) Problems of domestic violence are exacerbated for immigrants when spouses control the immigration status of their family members, and abusers use threats of refusal to file immigration papers and threats to deport spouses and children as powerful tools to prevent battered immigrant women from seeking help, trapping battered immigrant women in violent homes because of fear of deportation.

(12) Battered immigrant women who attempt to flee abusive relationships may not have access to bilingual shelters or bilingual professionals, and face restrictions on public or financial assistance. They may also lack assistance of a certified interpreter in court, when reporting complaints to the police or a 9-1-1 operator, or even in acquiring information about their rights and the legal system.

(13) More than 500 men and women call the National Domestic Violence Hotline every day to get immediate, informed, and confidential assistance to help deal with family violence.

(14) The National Domestic Violence Hotline service is available, toll-free, 24 hours a day and 7 days a week, with bilingual staff, access to translators in 150 languages, and a TTY line for the hearing-impaired.

(15) With access to over 5,000 shelters and service providers across the United States, Puerto Rico, and the United States Virgin Islands, the National Domestic Violence Hotline provides crisis intervention and immediately connects callers with sources of help in their local community.

(16) Approximately 60 percent of the callers indicate that calling the Hotline is their first attempt to address a domestic violence situation and that they have not called the police or any other support services.

(17) Between 2000 and 2003, there was a 27 percent increase in call volume at the National Domestic Violence Hotline.

(18) Improving technology infrastructure at the National Domestic Violence Hotline and training advocates, volunteers, and other staff on upgraded technology will drastically increase the Hotline's ability to answer more calls quickly and effectively.

SEC. 202. SEXUAL ASSAULT SERVICES PROGRAM.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by inserting after section 2012, as added by this Act, the following:

''SEC. 2014. SEXUAL ASSAULT SERVICES.

''(a) PURPOSES.—The purposes of this section are—

''(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

''(A) adult, youth, and child victims of sexual assault;

''(B) family and household members of such victims; and

''(C) those collaterally affected by the victimization, except for the perpetrator of such victimization;

''(2) to provide for technical assistance and training relating to sexual assault to—

''(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

''(B) professionals working in legal, social service, and health care settings;

''(C) nonprofit organizations;

''(D) faith-based organizations; and

''(E) other individuals and organizations seeking such assistance.

''(b) GRANTS TO STATES AND TERRITORIES.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

''(2) ALLOCATION AND USE OF FUNDS.—

''(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

''(B) GRANT FUNDS.—Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for programs and activities within such State or territory that provide direct intervention and related assistance.

''(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

''(i) 24 hour hotline services providing crisis intervention services and referral;

''(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

''(iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;

''(iv) information and referral to assist the sexual assault victim and family or household members;

''(v) community-based, linguistically and culturally specific services and support mechanisms, including outreach activities for racial and ethnic, and other underserved communities; and

''(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

''(3) APPLICATION.—

''(A) IN GENERAL.—Each eligible entity desiring a grant under this subsection shall submit

an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require.

''(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

''(i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from racial and ethnic and other underserved communities in the development of the application and the implementation of the plans;

''(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

''(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

''(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

''(4) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 1.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriations. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State and such territory bears to the population of the combined States or the population of the combined territories.

''(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(A) be a private nonprofit organization that focuses primarily on racial and ethnic communities;

''(B) must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

''(C) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific racial and ethnic communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of racial and ethnic populations; and

''(D) have an advisory board or steering committee and staffing which is reflective of the targeted racial and ethnic community.

''(3) AWARD BASIS.—The Attorney General shall award grants under this section on a competitive basis.

''(4) DISTRIBUTION.—

''(A) The Attorney General shall not use more than 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

''(B) Up to 5 percent of funds appropriated under this subsection in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within racial and ethnic communities.

''(5) TERM.—The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

''(6) REPORTING.—Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

''(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

''(1) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

''(B) MINIMUM AMOUNT.—Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

''(C) ELIGIBLE APPLICANTS.—Each of the State, territorial, and tribal sexual assault coalitions.

''(2) USE OF FUNDS.—Grant funds received under this subsection may be used to—

''(A) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

''(B) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

''(C) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

''(D) design and conduct public education campaigns;

''(E) plan and monitor the distribution of grants and grant funds to their State, territory, or tribe; or

''(F) collaborate with and inform Federal, State, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

''(3) ALLOCATION AND USE OF FUNDS.—From amounts appropriated for grants under this subsection for each fiscal year—

''(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions;

''(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of those State and territorial coalitions.

''(4) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

''(5) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

''(e) GRANTS TO TRIBES.—

''(1) GRANTS AUTHORIZED.—The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of sexual assault programs or projects in Indian country and Alaskan Native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

''(2) ALLOCATION AND USE OF FUNDS.—

''(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

''(B) GRANT FUNDS.—Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2006 through 2010 to carry out the provisions of this section.

''(2) ALLOCATIONS.—Of the total amounts appropriated for each fiscal year to carry out this section—

''(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

''(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

''(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

''(D) not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

''(E) not less than 10 percent shall be used for grants to tribes under subsection (e); and

''(F) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).''.

SEC. 203. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

''SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

''(a) PURPOSES.—The purposes of this section are—

''(1) to identify, assess, and appropriately respond to child, youth, and adult victims of domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration among—

''(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

''(B) law enforcement agencies;

''(C) prosecutors;

''(D) courts;

''(E) other criminal justice service providers;

''(F) human and community service providers;

''(G) educational institutions; and

''(H) health care providers;

''(2) to establish and expand nonprofit, nongovernmental, State, tribal, territorial, and local government victim services in rural communities to child, youth, and adult victims; and

''(3) to increase the safety and well-being of women and children in rural communities, by—

''(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

''(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

''(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the 'Director'), may award grants to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

''(1) implementing, expanding, and establishing cooperative efforts and projects among law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

''(2) providing treatment, counseling, advocacy, and other long- and short-term assistance to adult and minor victims of domestic violence, dating violence, sexual assault, and stalking in

rural communities, including assistance in immigration matters; and

''(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

''(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

''(d) ALLOTMENTS AND PRIORITIES.—

''(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

''(2) ALLOTMENT FOR SEXUAL ASSAULT.—

''(A) IN GENERAL.—Not less than 25 percent of the total amount appropriated in a fiscal year under this section shall fund services that meaningfully address sexual assault in rural communities, however at such time as the amounts appropriated reach the amount of $45,000,000, the percentage allocated shall rise to 30 percent of the total amount appropriated, at such time as the amounts appropriated reach the amount of $50,000,000, the percentage allocated shall rise to 35 percent of the total amount appropriated, and at such time as the amounts appropriated reach the amount of $55,000,000, the percentage allocated shall rise to 40 percent of the amounts appropriated.

''(B) MULTIPLE PURPOSE APPLICATIONS.—Nothing in this section shall prohibit any applicant from applying for funding to address sexual assault, domestic violence, stalking, or dating violence in the same application.

''(3) ALLOTMENT FOR TECHNICAL ASSISTANCE.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for technical assistance costs. Of the amounts appropriated in this section, no less than 25 percent of such amounts shall be available to a nonprofit, nongovernmental organization or organizations whose focus and expertise is in addressing sexual assault to provide technical assistance to sexual assault grantees.

''(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to the needs of racial, ethnic, and other underserved populations.

''(5) ALLOCATION OF FUNDS FOR RURAL STATES.—Not less than 75 percent of the total amount made available for each fiscal year to carry out this section shall be allocated to eligible entities located in rural States.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $55,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.

''(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.''.

SEC. 204. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN WITH DISABILITIES.

(a) IN GENERAL.—Section 1402 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–7) is amended to read as follows:

''SEC. 1402. EDUCATION, TRAINING, AND ENHANCED SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN WITH DISABILITIES.

''(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, may award grants to eligible entities—

''(1) to provide training, consultation, and information on domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

''(2) to enhance direct services to such individuals.

''(b) USE OF FUNDS.—Grants awarded under this section shall be used—

''(1) to provide personnel, training, technical assistance, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

''(2) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

''(3) to conduct cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving individuals with disabilities about risk reduction, intervention, prevention and the nature of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

''(4) to provide technical assistance to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled individuals;

''(5) to provide training and technical assistance on the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including—

''(A) the Americans with Disabilities Act of 1990; and

''(B) section 504 of the Rehabilitation Act of 1973;

''(6) to rehabilitate facilities, purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

''(7) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault; or

''(8) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

''(c) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

''(A) a State;

''(B) a unit of local government;

''(C) an Indian tribal government or tribal organization; or

''(D) a nonprofit and nongovernmental victim services organization, such as a State domestic violence or sexual assault coalition or a nonprofit, nongovernmental organization serving disabled individuals.

''(2) LIMITATION.—A grant awarded for the purpose described in subsection (b)(8) shall only be awarded to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–5).

''(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that the needs of racial and ethnic and other underserved populations are being addressed.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.''.

SEC. 205. TRAINING AND SERVICES TO END VIOLENCE AGAINST WOMEN IN LATER LIFE.

(a) TRAINING PROGRAMS.—Section 40802 of the Violence Against Women Act of 1994 (42 U.S.C. 14041a) is amended to read as follows:

''SEC. 40802. ENHANCED TRAINING AND SERVICES TO END VIOLENCE AGAINST AND ABUSE OF WOMEN LATER IN LIFE.

''(a) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, may award grants, which may be used for—

''(1) training programs to assist law enforcement, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking against victims who are 50 years of age or older;

''(2) providing or enhancing services for victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, or stalking, who are 50 years of age or older;

''(3) increasing the physical accessibility of buildings in which services are or will be rendered for victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older;

''(4) creating or supporting multidisciplinary collaborative community responses to victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older; and

''(5) conducting cross-training for victim service organizations, governmental agencies, courts, law enforcement, and nonprofit, nongovernmental organizations serving victims of elder abuse, neglect, and exploitation, including domestic violence, dating violence, sexual assault, and stalking, who are 50 years of age or older.

''(b) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under this section if the entity is—

''(1) a State;

''(2) a unit of local government;

''(3) an Indian tribal government or tribal organization; or

''(4) a nonprofit and nongovernmental victim services organization with demonstrated experience in assisting elderly women or demonstrated experience in addressing domestic violence, dating violence, sexual assault, and stalking.

''(c) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall ensure that services are culturally and linguistically relevant and that the needs of racial, ethnic, and other underserved populations are being addressed.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 40803 of the Violence Against Women Act of 1994 (42 U.S.C. 14041b) is amended by striking ''$5,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$10,000,000 for each of the fiscal years 2006 through 2010''.

SEC. 206. STRENGTHENING THE NATIONAL DOMESTIC VIOLENCE HOTLINE.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended—

(1) in subsection (d), by adding at the end the following:

''(5) provide technology and telecommunication training and assistance for advocates, volunteers, staff, and others affiliated with the hotline so that such persons are able to effectively use improved equipment made available through the Connections Campaign.'';

(2) in subsection (g)—

(A) in paragraph (1), by striking ''$3,500,000'' and all that follows and inserting ''$5,000,000 for each of fiscal years 2006 through 2010.'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2); and

(3) by striking subsection (e) and redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

TITLE III—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 301. FINDINGS.

Congress finds the following:

(1) Youth, under the age of 18, account for 67 percent of all sexual assault victimizations reported to law enforcement officials.

(2) The Department of Justice consistently finds that young women between the ages of 16

and 24 experience the highest rate of non-fatal intimate partner violence.

(3) In 1 year, over 4,000 incidents of rape or sexual assault occurred in public schools across the country.

(4) Young people experience particular obstacles to seeking help. They often do not have access to money, transportation, or shelter services. They must overcome issues such as distrust of adults, lack of knowledge about available resources, or pressure from peers and parents.

(5) A needs assessment on teen relationship abuse for the State of California, funded by the California Department of Health Services, identified a desire for confidentiality and confusion about the law as 2 of the most significant barriers to young victims of domestic and dating violence seeking help.

(6) Only one State specifically allows for minors to petition the court for protection orders.

(7) Many youth are involved in dating relationships, and these relationships can include the same kind of domestic violence and dating violence seen in the adult population. In fact, more than 40 percent of all incidents of domestic violence involve people who are not married.

(8) 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend, and 13 percent of college women report being stalked.

(9) Of college women who said they had been the victims of rape or attempted rape, 12.8 percent of completed rapes, 35 percent of attempted rapes, and 22.9 percent of threatened rapes took place on a date. Almost 60 percent of the completed rapes that occurred on campus took place in the victim's residence.

(10) According to a 3-year study of student-athletes at 10 Division I universities, male athletes made up only 3.3 percent of the general male university population, but they accounted for 19 percent of the students reported for sexual assault and 35 percent of domestic violence perpetrators.

SEC. 302. RAPE PREVENTION AND EDUCATION.

Section 393B(c) of part J of title III of the Public Health Service Act (42 U.S.C. 280b–1c(c)) is amended to read as follows:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $80,000,000 for each of fiscal years 2006 through 2010.

''(2) NATIONAL SEXUAL VIOLENCE RESOURCE CENTER ALLOTMENT.—Of the total amount made available under this subsection in each fiscal year, not less than $1,500,000 shall be available for allotment under subsection (b).''.

SEC. 303. SERVICES, EDUCATION, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 (Public Law 103–322, Stat. 1902 et seq.) is amended by adding at the end the following:

''Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

''SEC. 41201. SERVICES TO ADVOCATE FOR AND RESPOND TO YOUTH.

''(a) GRANTS AUTHORIZED.—The Attorney General, in consultation with the Department of Health and Human Services, shall award grants to eligible entities to conduct programs to serve victims of domestic violence, dating violence, sexual assault, and stalking who are between the ages of 12 and 24. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

''(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking;

''(2) a community-based organization specializing in intervention or violence prevention services for youth;

''(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

''(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth affected by domestic or sexual abuse.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

''(2) TYPES OF PROGRAMS.—Such a program—

''(A) shall provide direct counseling and advocacy for youth and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

''(B) shall include linguistically, culturally, and community relevant services for racial, ethnic, and other underserved populations or linkages to existing services in the community tailored to the needs of underserved populations;

''(C) may include mental health services for youth and young adults who have experienced domestic violence, dating violence, sexual assault, or stalking;

''(D) may include legal advocacy efforts on behalf of youth and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

''(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

''(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

''(d) AWARDS BASIS.—

''(1) GRANTS TO INDIAN TRIBES.—Not less than 7 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

''(2) ADMINISTRATION.—The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

''(3) TECHNICAL ASSISTANCE.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

''(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2006 through 2010.

''SEC. 41202. ACCESS TO JUSTICE FOR YOUTH.

''(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve young victims of dating violence, domestic violence, sexual assault, and stalking who are between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of domestic violence, dating violence, sexual assault, and stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions.

''(b) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the 'Director'), shall make grants to eligible entities to carry out the purposes of this section.

''(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 2 fiscal years.

''(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that—

''(A) shall include a victim service provider that has a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people;

''(B) shall include a court or law enforcement agency partner; and

''(C) may include—

''(i) batterer intervention programs or sex offender treatment programs with specialized knowledge and experience working with youth offenders;

''(ii) community-based youth organizations that deal specifically with the concerns and problems faced by youth, including programs that target teen parents and racial, ethnic, and other underserved communities;

''(iii) schools or school-based programs designed to provide prevention or intervention services to youth experiencing problems;

''(iv) faith-based entities that deal with the concerns and problems faced by youth;

''(v) healthcare entities eligible for reimbursement under title XVIII of the Social Security Act, including providers that target the special needs of youth;

''(vi) education programs on HIV and other sexually transmitted diseases that are designed to target teens;

''(vii) Indian Health Services, Indian Child Welfare, the Bureau of Indian Affairs, or the Federal Bureau of Investigations; or

''(viii) law enforcement agencies of the Bureau of Indian Affairs providing tribal law enforcement.

''(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts—

''(1) addressing domestic violence, dating violence, sexual assault, and stalking, assessing and analyzing currently available services for youth and young adult victims, determining relevant barriers to such services in a particular locality, and developing a community protocol to address such problems collaboratively;

''(2) to establish and enhance linkages and collaboration between—

''(A) domestic violence and sexual assault service providers; and

''(B) where applicable, law enforcement agencies, courts, Federal agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of young victims of abuse, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions—

''(i) to respond effectively and comprehensively to the varying needs of young victims of abuse;

''(ii) to include linguistically, culturally, and community relevant services for racial, ethnic, and other underserved populations or linkages to existing services in the community tailored to the needs of underserved populations; and

''(iii) to include where appropriate legal assistance, referral services, and parental support;

''(3) to educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, Indian child welfare agencies, youth organizations, schools, healthcare providers, and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault, and stalking;

''(4) to identify, assess, and respond appropriately to dating violence, domestic violence, sexual assault, or stalking against teens and young adults and meet the needs of young victims of violence; and

''(5) to provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault, and stalking and ensure necessary services dealing with the health and mental health of victims are available.

''(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

''(f) DISTRIBUTION.—In awarding grants under this section—

''(1) not less than 10 percent of funds appropriated under this section in any year shall be available to Indian tribal governments to establish and maintain collaborations involving the appropriate tribal justice and social services departments or domestic violence or sexual assault service providers, the purpose of which is to provide culturally appropriate services to American Indian women or youth;

''(2) the Director shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

''(3) the Attorney General of the United States shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

''(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide technical assistance for programs funded under this section.

''(g) DISSEMINATION OF INFORMATION.—Not later than 12 months after the end of the grant period under this section, the Director shall prepare, submit to Congress, and make widely available, including through electronic means, summaries that contain information on—

''(1) the activities implemented by the recipients of the grants awarded under this section; and

''(2) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their impact on young victims by—

''(A) the staffs of courts;

''(B) domestic violence, dating violence, sexual assault, and stalking victim service providers; and

''(C) law enforcement agencies and community organizations.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 in each of fiscal years 2006 through 2010.

''SEC. 41203. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

''(a) PURPOSE.—The purpose of this section is to support efforts by child welfare agencies, domestic violence or dating violence victim services providers, courts, law enforcement, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

''(b) GRANTS AUTHORIZED.—The Secretary of the Department of Health and Human Services (in this section referred to as the 'Secretary'), through the Family and Youth Services Bureau, and in consultation with the Office on Violence Against Women, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Secretary shall—

''(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

''(2) set aside not more than 7 percent for grants to Indian tribes to develop programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

''(3) set aside up to 8 percent for technical assistance and training to be provided by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, which technical assistance and training may be offered to jurisdictions in the process of developing community responses to families in which children are exposed to child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

''(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Secretary shall consider the needs of racial, ethnic, and other underserved populations.

''(e) GRANT AWARDS.—The Secretary shall award grants under this section for periods of not more than 2 fiscal years.

''(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

''(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

''(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

''(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

''(B) domestic violence or dating violence in child protection cases; and

''(C) the needs of both the child and non-abusing parent;

''(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and non-abusing parents and caretakers;

''(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve both child and adult victims;

''(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

''(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of racial and ethnic minorities in the court and child welfare system; and

''(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult and youth victims and their children, legal assistance and advocacy for adult and youth victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to racial and ethnic populations, and other necessary supportive services.

''(i) GRANTEE REQUIREMENTS.—

''(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, consistent with the requirements described herein. The application shall—

''(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

''(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

''(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

''(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

''(A) shall include a State or local child welfare agency or Indian Tribe;

''(B) shall include a domestic violence or dating violence victim service provider;

''(C) shall include a law enforcement agency or Bureau of Indian Affairs providing tribal law enforcement;

''(D) may include a court; and

''(E) may include any other such agencies or private nonprofit organizations and faith-based organizations, including community-based organizations, with the capacity to provide effective help to the child and adult victims served by the collaboration.''.

SEC. 304. GRANTS TO REDUCE VIOLENCE AGAINST WOMEN ON CAMPUS.

Section 826 of the Higher Education Amendments of 1998 (20 U.S.C. 1152) is amended—

(1) in subsection (a)(2), by adding at the end the following: ''The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than $500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting ''develop and implement campus policies, protocols, and services that'' after ''boards to''; and

(ii) by adding at the end the following: ''Within 90 days after the date of enactment of the Violence Against Women Act of 2005, the Attorney General shall issue and make available minimum standards of training relating to violent

crimes against women on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.'';

(B) in paragraph (4), by striking all that follows ''strengthen'' and inserting: ''victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, stalking, dating violence, or sexual assault, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any entities carrying out nonprofit and other victim services programs, including sexual assault, domestic violence, stalking, and dating violence victim services programs in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph.'';

(C) by striking paragraphs (6) and (8);

(D) by redesignating paragraphs (7), (9), and (10) as paragraphs (6), (7), and (8), respectively;

(3) in subsection (c), by striking paragraph (2)(B) and inserting the following:

''(B) include proof that the institution of higher education collaborated with a nonprofit, nongovernmental entities carrying out other victim services programs, including sexual assault, domestic violence, stalking, and dating violence victim services programs in the community in which the institution is located;'';

(4) in subsection (f), by striking the text and inserting the following: ''In this section, the definitions and grant conditions provided in section 40002 of the Violence Against Women Act of 1994 shall apply.''; and

(5) in subsection (g), by—

(A) striking ''$10,000,000'' and inserting ''$15,000,000'';

(B) striking ''2001'' and inserting ''2006''; and

(C) striking ''2005'' and inserting ''2010''.

SEC. 305. JUVENILE JUSTICE.

(a) STATE PLANS.—Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) in paragraph (7)(B)—

(A) by redesignating clauses (i), (ii) and (iii), as clauses (ii), (iii), and (iv), respectively; and

(B) by inserting before clause (ii) the following:

''(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females;''.

(b) USE OF FUNDS.—Section 223(a)(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(9)) is amended—

(1) in subparagraph (R), by striking ''and'' at the end;

(2) in subparagraph (S), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(T) developing and adopting policies to prohibit disparate treatment of female juveniles in placement and treatment, and establishing gender-specific services to ensure that female juveniles have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, education in parenting, education in general, and other training and vocational services.''.

SEC. 306. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 10402. SAFE HAVENS FOR CHILDREN.'';

(2) in subsection (a)—

(A) by inserting '', through the Director of the Office on Violence Against Women,'' after ''Attorney General'';

(B) by inserting ''dating violence,'' after ''domestic violence,'';

(C) by striking ''to provide'' and inserting the following:

''(1) to provide'';

(D) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

''(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

''(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.''; and

(3) by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended.

''(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

''(A) set aside not less than 7 percent for grants to Indian tribal governments or tribal organizations;

''(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

''(C) set aside not more than 8 percent for technical assistance and training to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.''.

TITLE IV—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE

SEC. 401. PREVENTING VIOLENCE AGAINST WOMEN AND CHILDREN.

The Violence Against Women Act of 1994 (108 Stat. 1902 et seq.) is amended by adding at the end the following:

''Subtitle M—Strengthening America's Families by Preventing Violence Against Women and Children

''SEC. 41301. FINDINGS.

''Congress finds that—

''(1) the former United States Advisory Board on Child Abuse suggests that domestic violence may be the single major precursor to child abuse and neglect fatalities in this country;

''(2) studies suggest that as many as 10,000,000 children witness domestic violence every year;

''(3) studies suggest that among children and teenagers, recent exposure to violence in the home was a significant factor in predicting a child's violent behavior;

''(4) a study by the Nurse-Family Partnership found that children whose parents did not participate in home visitation programs that provided coaching in parenting skills, advice and support, were almost 5 times more likely to be abused in their first 2 years of life;

''(5) a child's exposure to domestic violence seems to pose the greatest independent risk for being the victim of any act of partner violence as an adult;

''(6) children exposed to domestic violence are more likely to believe that using violence is an effective means of getting one's needs met and managing conflict in close relationships;

''(7) children exposed to abusive parenting, harsh or erratic discipline, or domestic violence are at increased risk for juvenile crime; and

''(8) in a national survey of more than 6,000 American families, 50 percent of men who frequently assaulted their wives also frequently abused their children.

''SEC. 41302. PURPOSE.

''The purpose of this subtitle is to—

''(1) prevent crimes involving violence against women, children, and youth;

''(2) increase the resources and services available to prevent violence against women, children, and youth;

''(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

''(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

''(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

''(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence against women and children.

''SEC. 41303. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

''(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

''(3) AWARD BASIS.—The Director shall award grants—

''(A) considering the needs of underserved populations;

''(B) awarding not less than 10 percent of such amounts to Indian tribes for the funding of tribal projects from the amounts made available under this section for a fiscal year;

''(C) awarding up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year; and

''(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2006 through 2010.

''(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

''(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker; or

''(2) training, coordination, and advocacy for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with

other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection.

''(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a—

''(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, childcare, faith-based organizations, after school programs, and health and mental health providers; or

''(2) a State, territorial, or tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children who have been or are being exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

''(B) ensure linguistically, culturally, and community relevant services for racial and ethnic, and other underserved communities.

''SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to home visitation programs, in collaboration with victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

''(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

''(3) AWARD BASIS.—The Director shall—

''(A) consider the needs of underserved populations;

''(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

''(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2006 through 2010.

''(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

''(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

''(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

''(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

''(B) ensure linguistically, culturally, and community relevant services for racial and ethnic and other underserved communities;

''(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

''(i) safely screen for and/or recognize domestic violence, dating violence, sexual assault, and stalking;

''(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing parent or caretaker in response to violence against anyone in the household; and

''(iii) link new parents with existing community resources in communities where resources exist; and

''(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.

''SEC. 41305. ENGAGING MEN AND YOUTH IN PREVENTING DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Department of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to engaging men and youth in preventing domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

''(2) TERM.—The Director shall make grants under this section for a period of 2 fiscal years.

''(3) AWARD BASIS.—The Director shall award grants—

''(A) considering the needs of racial and ethnic and other underserved populations;

''(B) awarding not less than 10 percent of such amounts for the funding of Indian tribes from the amounts made available under this section for a fiscal year; and

''(C) awarding up to 8 percent for the funding of technical assistance for grantees and nongrantees working in this area from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.

''(c) USE OF FUNDS.—

''(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities—

''(A) to develop or enhance community-based programs, including gender-specific programs in accordance with applicable laws that—

''(i) encourage children and youth to pursue nonviolent relationships and reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

''(ii) that include at a minimum—

''(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

''(II) strategies to help participants be as safe as possible; or

''(B) to create public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent violence against women and girls conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

''(2) MEDIA LIMITS.—No more than 40 percent of funds received by a grantee under this section may be used to create and distribute media materials.

''(d) ELIGIBLE ENTITIES.—

''(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

''(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

''(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

''(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

''(D) a program that provides culturally specific services.

''(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

''(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

''(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) eligible entities pursuant to subsection (c)(1)(A) shall describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

''(B) ensure linguistically, culturally, and community relevant services for racial and ethnic, and other underserved communities;

''(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

''(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.''.

SEC. 402. STUDY CONDUCTED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PURPOSES.—The Secretary of Health and Human Services acting through the National Center for Injury Prevention and Control at the Centers for Disease Control Prevention shall make grants to entities, including domestic and sexual assault coalitions and programs, research organizations, tribal organizations, and academic institutions to support research to examine prevention and intervention programs to further the understanding of sexual and domestic violence by and against adults, youth, and children.

(b) USE OF FUNDS.—The research conducted under this section shall include evaluation and study of best practices for reducing and preventing violence against women and children addressed by the strategies included in Department of Health and Human Services-related provisions this title, including strategies addressing

racial, ethnic, and other underserved communities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated to carry out this title $2,000,000 for each of the fiscal years 2006 through 2010.

TITLE V—STRENGTHENING THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) The health-related costs of intimate partner violence in the United States exceed $5,800,000,000 annually.

(2) Thirty-seven percent of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend, or girlfriend.

(3) In addition to injuries sustained during violent episodes, physical and psychological abuse is linked to a number of adverse physical and mental health effects. Women who have been abused are much more likely to suffer from chronic pain, diabetes, depression, unintended pregnancies, substance abuse and sexually transmitted infections, including HIV/AIDS.

(4) Health plans spend an average of $1,775 more a year on abused women than on general enrollees.

(5) Each year about 324,000 pregnant women in the United States are battered by the men in their lives. This battering leads to complications of pregnancy, including low weight gain, anemia, infections, and first and second trimester bleeding.

(6) Pregnant and recently pregnant women are more likely to be victims of homicide than to die of any other pregnancy-related cause, and evidence exists that a significant proportion of all female homicide victims are killed by their intimate partners.

(7) Children who witness domestic violence are more likely to exhibit behavioral and physical health problems including depression, anxiety, and violence towards peers. They are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.

(8) Recent research suggests that women experiencing domestic violence significantly increase their safety-promoting behaviors over the short- and long-term when health care providers screen for, identify, and provide followup care and information to address the violence.

(9) Currently, only about 10 percent of primary care physicians routinely screen for intimate partner abuse during new patient visits and 9 percent routinely screen for intimate partner abuse during periodic checkups.

(10) Recent clinical studies have proven the effectiveness of a 2-minute screening for early detection of abuse of pregnant women. Additional longitudinal studies have tested a 10-minute intervention that was proven highly effective in increasing the safety of pregnant abused women. Comparable research does not yet exist to support the effectiveness of screening men.

(11) Seventy to 81 percent of the patients studied reported that they would like their healthcare providers to ask them privately about intimate partner violence.

SEC. 502. PURPOSE.

It is the purpose of this title to improve the health care system's response to domestic violence, dating violence, sexual assault, and stalking through the training and education of health care providers, developing comprehensive public health responses to violence against women and children, increasing the number of women properly screened, identified, and treated for lifetime exposure to violence, and expanding research on effective interventions in the health care setting.

SEC. 503. TRAINING AND EDUCATION OF HEALTH PROFESSIONALS IN DOMESTIC AND SEXUAL VIOLENCE.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by adding at the end the following:

''SEC. 758. INTERDISCIPLINARY TRAINING AND EDUCATION ON DOMESTIC VIOLENCE AND OTHER TYPES OF VIOLENCE AND ABUSE.

''(a) GRANTS.—The Secretary, acting through the Director of the Health Resources and Services Administration, shall award grants under this section to develop interdisciplinary training and education programs that provide undergraduate, graduate, post-graduate medical, nursing (including advanced practice nursing students), and other health professions students with an understanding of, and clinical skills pertinent to, domestic violence, sexual assault, stalking, and dating violence.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section an entity shall—

''(1) be an accredited school of allopathic or osteopathic medicine;

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) information to demonstrate that the applicant includes the meaningful participation of a school of nursing and at least one other school of health professions or graduate program in public health, dentistry, social work, midwifery, or behavioral and mental health;

''(B) strategies for the dissemination and sharing of curricula and other educational materials developed under the grant to other interested medical and nursing schools and national resource repositories for materials on domestic violence and sexual assault; and

''(C) a plan for consulting with, and compensating community-based coalitions or individuals who have experience and expertise in issues related to domestic violence, sexual assault, dating violence, and stalking for services provided under the program carried out under the grant.

''(c) USE OF FUNDS.—

''(1) REQUIRED USES.—Amounts provided under a grant under this section shall be used to—

''(A) fund interdisciplinary training and education projects that are designed to train medical, nursing, and other health professions students and residents to identify and provide health care services (including mental or behavioral health care services and referrals to appropriate community services) to individuals who are or who have experienced domestic violence, sexual assault, and stalking or dating violence; and

''(B) plan and develop culturally competent clinical components for integration into approved residency training programs that address health issues related to domestic violence, sexual assault, dating violence, and stalking, along with other forms of violence as appropriate, and include the primacy of victim safety and confidentiality.

''(2) PERMISSIVE USES.—Amounts provided under a grant under this section may be used to—

''(A) offer community-based training opportunities in rural areas for medical, nursing, and other students and residents on domestic violence, sexual assault, stalking, and dating violence, and other forms of violence and abuse, which may include the use of distance learning networks and other available technologies needed to reach isolated rural areas; or

''(B) provide stipends to students from racial and ethnic population groups who are underrepresented in the health professions as necessary to promote and enable their participation in clerkships, preceptorships, or other offsite training experiences that are designed to develop health care clinical skills related to domestic violence, sexual assault, dating violence, and stalking.

''(3) REQUIREMENTS.—

''(A) CONFIDENTIALITY AND SAFETY.—Grantees under this section shall ensure that all educational programs developed with grant funds address issues of confidentiality and patient safety, and that faculty and staff associated with delivering educational components are fully trained in procedures that will protect the immediate and ongoing security of the patients, patient records, and staff. Advocacy-based coalitions or other expertise available in the community shall be consulted on the development and adequacy of confidentially and security procedures, and shall be fairly compensated by grantees for their services.

''(B) RURAL PROGRAMS.—Rural training programs carried out under paragraph (2)(A) shall reflect adjustments in protocols and procedures or referrals that may be needed to protect the confidentiality and safety of patients who live in small or isolated communities and who are currently or have previously experienced violence or abuse.

''(4) CHILD AND ELDER ABUSE.—Issues related to child and elder abuse may be addressed as part of a comprehensive programmatic approach implemented under a grant under this section.

''(d) REQUIREMENTS OF GRANTEES.—

''(1) LIMITATION ON ADMINISTRATIVE EXPENSES.—A grantee shall not use more than 10 percent of the amounts received under a grant under this section for administrative expenses.

''(2) CONTRIBUTION OF FUNDS.—A grantee under this section, and any entity receiving assistance under the grant for training and education, shall contribute non-Federal funds, either directly or through in-kind contributions, to the costs of the activities to be funded under the grant in an amount that is not less than 25 percent of the total cost of such activities.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $3,000,000 for each of fiscal years 2006 through 2010. Amounts appropriated under this subsection shall remain available until expended.''.

SEC. 504. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING GRANTS.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399O. GRANTS TO FOSTER PUBLIC HEALTH RESPONSES TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''(a) AUTHORITY TO AWARD GRANTS.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants to eligible State, tribal, territorial, or local entities to strengthen the response of State, tribal, territorial, or local health care systems to domestic violence, dating violence, sexual assault, and stalking.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(A) be—

''(i) a State department (or other division) of health, a State domestic or sexual assault coalition or service-based program, State law enforcement task force, or any other nonprofit, nongovernmental, tribal, territorial, or State entity with a history of effective work in the fields of domestic violence, dating violence, sexual assault or stalking, and health care; or

''(ii) a local, nonprofit domestic violence, dating violence, sexual assault, or stalking service-based program, a local department (or other division) of health, a local health clinic, hospital, or health system, or any other nonprofit, tribal, or local entity with a history of effective work in the field of domestic or sexual violence and health;

''(B) prepare and submit to the Secretary an application at such time, in such manner, and

containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out the purposes for which the grant is to be made; and

''(C) demonstrate that the entity is representing a team of organizations and agencies working collaboratively to strengthen the response of the health care system involved to domestic violence, dating violence, sexual assault, or stalking and that such team includes domestic violence, dating violence, sexual assault or stalking and health care organizations.

''(3) DURATION.—A program conducted under a grant awarded under this section shall not exceed 2 years.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—An entity shall use amounts received under a grant under this section to design and implement comprehensive strategies to improve the response of the health care system involved to domestic or sexual violence in clinical and public health settings, hospitals, clinics, managed care settings (including behavioral and mental health), and other health settings.

''(2) MANDATORY STRATEGIES.—Strategies implemented under paragraph (1) shall include the following:

''(A) The implementation, dissemination, and evaluation of policies and procedures to guide health care professionals and behavioral and public health staff in responding to domestic violence, dating violence, sexual assault, and stalking, including strategies to ensure that health information is maintained in a manner that protects the patient's privacy and safety and prohibits insurance discrimination.

''(B) The development of on-site access to services to address the safety, medical, mental health, and economic needs of patients either by increasing the capacity of existing health care professionals and behavioral and public health staff to address domestic violence, dating violence, sexual assault, and stalking, by contracting with or hiring domestic or sexual assault advocates to provide the services, or to model other services appropriate to the geographic and cultural needs of a site.

''(C) The evaluation of practice and the institutionalization of identification, intervention, and documentation including quality improvement measurements.

''(D) The provision of training and followup technical assistance to health care professionals, behavioral and public health staff, and allied health professionals to identify, assess, treat, and refer clients who are victims of domestic violence, dating violence, sexual violence, or stalking.

''(3) PERMISSIVE STRATEGIES.—Strategies implemented under paragraph (1) may include the following:

''(A) Where appropriate, the development of training modules and policies that address the overlap of child abuse, domestic violence, dating violence, sexual assault, and stalking and elder abuse as well as childhood exposure to domestic violence.

''(B) The creation, adaptation, and implementation of public education campaigns for patients concerning domestic violence, dating violence, sexual assault, and stalking prevention.

''(C) The development, adaptation, and dissemination of domestic violence, dating violence, sexual assault, and stalking education materials to patients and health care professionals and behavioral and public health staff.

''(D) The promotion of the inclusion of domestic violence, dating violence, sexual assault, and stalking into health professional training schools, including medical, dental, nursing school, social work, and mental health curriculum.

''(E) The integration of domestic violence, dating violence, sexual assault, and stalking into health care accreditation and professional licensing examinations, such as medical, dental, social work, and nursing boards.

''(c) ALLOCATION OF FUNDS.—Funds appropriated under this section shall be distributed equally between State and local programs.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to award grants under this section, $5,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 505. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTHCARE SETTING.

Subtitle B of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902 et seq.), as amended by the Violence Against Women Act of 2000 (114 Stat. 1491 et seq.), and as amended by this Act, is further amended by adding at the end the following:

''CHAPTER 11—RESEARCH ON EFFECTIVE INTERVENTIONS TO ADDRESS VIOLENCE AGAINST WOMEN

''SEC. 40297. RESEARCH ON EFFECTIVE INTERVENTIONS IN THE HEALTH CARE SETTING.

''(a) PURPOSE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the Agency for Healthcare Research and Quality, shall award grants and contracts to fund research on effective interventions in the health care setting that prevent domestic violence, dating violence, and sexual assault across the lifespan and that prevent the health effects of such violence and improve the safety and health of individuals who are currently being victimized.

''(b) USE OF FUNDS.—Research conducted with amounts received under a grant or contract under this section shall include the following:

''(1) With respect to the authority of the Centers for Disease Control and Prevention—

''(A) research on the effects of domestic violence, dating violence, sexual assault, and childhood exposure to domestic, dating, or sexual violence, on health behaviors, health conditions, and the health status of individuals, families, and populations; and

''(B) research and testing of best messages and strategies to mobilize public and health care provider action concerning the prevention of domestic, dating, or sexual violence; and

''(2) With respect to the authority of the Agency for Healthcare Research and Quality—

''(A) research on the impact on the health care system, health care utilization, health care costs, and health status of domestic violence, dating violence, and childhood exposure to domestic and dating violence, sexual violence and stalking and childhood exposure; and

''(B) research on effective interventions within primary care and emergency health care settings and with health care settings that include clinical partnerships within community domestic violence providers for adults and children exposed to domestic or dating violence.

''(c) USE OF DATA.—Research funded under this section shall be utilized by eligible entities under section 399O of the Public Health Service Act.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.''.

TITLE VI—HOUSING OPPORTUNITIES AND SAFETY FOR BATTERED WOMEN AND CHILDREN

SEC. 601. ADDRESSING THE HOUSING NEEDS OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

The Violence Against Women Act of 1994 (42 U.S.C. 13701 et seq.) is amended by adding at the end the following:

''Subtitle N—Addressing the Housing Needs of Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

''SEC. 41401. FINDINGS.

''Congress finds that:

''(1) There is a strong link between domestic violence and homelessness. Among cities surveyed, 44 percent identified domestic violence as a primary cause of homelessness.

''(2) 92 percent of homeless women have experienced severe physical or sexual abuse at some point in their lives. Of all homeless women and children, 60 percent had been abused by age 12, and 63 percent have been victims of intimate partner violence as adults.

''(3) Women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.

''(4) A recent survey of legal service providers around the country found that these providers have responded to almost 150 documented eviction cases in the last year alone where the tenant was evicted because of the domestic violence crimes committed against her. In addition, nearly 100 clients were denied housing because of their status as victims of domestic violence.

''(5) Women who leave their abusers frequently lack adequate emergency shelter options. The lack of adequate emergency options for victims presents a serious threat to their safety and the safety of their children. Requests for emergency shelter by homeless women with children increased by 78 percent of United States cities surveyed in 2004. In the same year, 32 percent of the requests for shelter by homeless families went unmet due to the lack of available emergency shelter beds.

''(6) The average stay at an emergency shelter is 60 days, while the average length of time it takes a homeless family to secure housing is 6 to 10 months.

''(7) Victims of domestic violence often return to abusive partners because they cannot find long-term housing.

''(8) There are not enough Federal housing rent vouchers available to accommodate the number of people in need of long-term housing. Some people remain on the waiting list for Federal housing rent vouchers for years, while some lists are closed.

''(9) Transitional housing resources and services provide an essential continuum between emergency shelter provision and independent living. A majority of women in transitional housing programs stated that had these programs not existed, they would have likely gone back to abusive partners.

''(10) Because abusers frequently manipulate finances in an effort to control their partners, victims often lack steady income, credit history, landlord references, and a current address, all of which are necessary to obtain long-term permanent housing.

''(11) Victims of domestic violence in rural areas face additional barriers, challenges, and unique circumstances, such as geographical isolation, poverty, lack of public transportation systems, shortages of health care providers, under-insurance or lack of health insurance, difficulty ensuring confidentiality in small communities, and decreased access to many resources (such as advanced education, job opportunities, and adequate childcare).

''(12) Congress and the Secretary of Housing and Urban Development have recognized in recent years that families experiencing domestic violence have unique needs that should be addressed by those administering the Federal housing programs.

''SEC. 41402. PURPOSE.

''The purpose of this subtitle is to reduce domestic violence, dating violence, sexual assault, and stalking, and to prevent homelessness by—

''(1) protecting the safety of victims of domestic violence, dating violence, sexual assault, and stalking who reside in homeless shelters, public housing, assisted housing, Indian housing, or other emergency, transitional, permanent, or affordable housing, and ensuring that such victims have meaningful access to the criminal justice system without jeopardizing such housing;

''(2) creating long-term housing solutions that develop communities and provide sustainable

living solutions for victims of domestic violence, dating violence, sexual assault, and stalking;

''(3) building collaborations among victim service providers, homeless service providers, housing providers, and housing agencies to provide appropriate services, interventions, and training to address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking; and

''(4) enabling public and assisted housing agencies, tribally designated housing entities, private landlords, property management companies, and other housing providers and agencies to respond appropriately to domestic violence, dating violence, sexual assault, and stalking, while maintaining a safe environment for all housing residents.

''SEC. 41403. DEFINITIONS.

''For purposes of this subtitle—

''(1) the term 'assisted housing' means housing assisted—

''(A) under sections 213, 220, 221(d)(3), 221(d)(4), 223(e), 231, or 236 of the National Housing Act (12 U.S.C. 1715l(d)(3), (d)(4), or 1715z–1);

''(B) under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

''(C) under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q);

''(D) under section 811 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 8013);

''(E) under title II of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12701 et seq.);

''(F) under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

''(G) under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); or

''(H) under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

''(2) the term 'continuum of care' means a community plan developed to organize and deliver housing and services to meet the specific needs of people who are homeless as they move to stable housing and achieve maximum self-sufficiency;

''(3) the term 'Indian housing' means housing assistance described in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.);

''(4) the term 'low-income housing assistance voucher' means housing assistance described in section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

''(5) the term 'public housing' means housing described in section 3(b)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(1));

''(6) the term 'public housing agency' means an agency described in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6));

''(7) the terms 'homeless', 'homeless individual', and 'homeless person'—

''(A) mean an individual who lacks a fixed, regular, and adequate nighttime residence; and

''(B) includes—

''(i) an individual who—

''(I) is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;

''(II) is living in a motel, hotel, trailer park, or campground due to the lack of alternative adequate accommodations;

''(III) is living in an emergency or transitional shelter;

''(IV) is abandoned in a hospital; or

''(V) is awaiting foster care placement;

''(ii) an individual who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

''(iii) migratory children (as defined in section 1309 of the Elementary and Secondary Education Act of 1965; 20 U.S.C. 6399) who qualify as homeless under this section because the children are living in circumstances described in this paragraph; and

''(8) the term 'homeless service provider' means a nonprofit, nongovernmental homeless service provider, such as a homeless shelter, a homeless service or advocacy program, a tribal organization serving homeless individuals, or coalition or other nonprofit, nongovernmental organization carrying out a community-based homeless or housing program that has a documented history of effective work concerning homelessness.

''SEC. 41404. COLLABORATIVE GRANTS TO DEVELOP LONG-TERM HOUSING FOR VICTIMS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Secretary of Housing and Urban Development, shall award grants and contracts for a period of not less than 2 years to eligible entities to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless.

''(2) AMOUNT.—The Secretary of Health and Human Services shall award—

''(A) grants for projects that do not include the cost of construction in amounts—

''(i) not less than $25,000 per year; and

''(ii) not more than $350,000 per year; and

''(B) grants for projects that do include the cost of construction in amounts—

''(i) not less than $75,000 per year; and

''(ii) not more than $1,000,000 per year.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall demonstrate that it is a coalition or partnership, applying jointly, that—

''(1) shall include a domestic violence victim service provider;

''(2) shall include—

''(A) a homeless service provider;

''(B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or

''(C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organization on tribal lands, a tribally designated housing entity or tribal housing consortium;

''(3) may include a dating violence, sexual assault, or stalking victim service provider;

''(4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;

''(5) may include a public housing agency or tribally designated housing entity;

''(6) may include tenant organizations in public or Tribally designated housing, as well as nonprofit, nongovernmental tenant organizations;

''(7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development's Continuum of Care process;

''(8) may include a State, tribal, territorial, or local government or government agency; and

''(9) may include any other such agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity seeking a grant under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

''(2) CONTENTS.—Each application shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) USE OF FUNDS.—Grants and contracts awarded to eligible entities pursuant to subsection (a) shall be used to design or replicate and implement new activities, services, and programs to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless. Such activities, services, or programs—

''(1) shall participate in the Department of Housing and Urban Development's Continuum of Care process, unless such a process does not exist in the community to be served;

''(2) shall develop sustainable long-term housing in the community by—

''(A) coordinating efforts and resources among the various groups and organizations comprised in the entity to access existing private and public funding;

''(B) placing individuals and families in long-term housing; and

''(C) providing services to help individuals or families find and maintain long-term housing, including financial assistance and support services;

''(3) may provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

''(4) may use funds for the continuing operation, upkeep, maintenance, and use of housing described in paragraph (3); and

''(5) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

''(e) UNDERSERVED POPULATIONS AND PRIORITIES.—In awarding grants under this section, the Secretary of Health and Human Services shall—

''(1) give priority to linguistically and culturally specific services;

''(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3); and

''(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'long-term housing' means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

''(A) rented or owned by the individual;

''(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

''(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization; and

''(2) the term 'affordable housing' means housing that complies with the conditions set forth in section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745).

''(g) EVALUATION, MONITORING, ADMINISTRATION, AND TECHNICAL ASSISTANCE.—For purposes of this section—

''(1) up to 3 percent of the funds appropriated under subsection (h) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

''(2) up to 8 percent of the funds appropriated under subsection (h) for each fiscal year may be used to provide technical assistance to grantees under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this section.

"SEC. 41405. GRANTS TO COMBAT VIOLENCE AGAINST WOMEN IN PUBLIC AND ASSISTED HOUSING.

''(a) PURPOSE.—It is the purpose of this section to assist eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. Such assistance shall be accomplished through—

''(1) education and training of eligible entities;

''(2) development and implementation of appropriate housing policies and practices;

''(3) enhancement of collaboration with victim service providers and tenant organizations; and

''(4) reduction of the number of victims of such crimes who are evicted or denied housing because of crimes and lease violations committed or directly caused by the perpetrators of such crimes.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Violence Against Women Office of the Department of Justice ('Director'), and in consultation with the Secretary of Housing and Urban Development ('Secretary'), and the Secretary of Health and Human Services, acting through the Administration for Children, Youth and Families ('ACYF'), shall award grants and contracts for not less than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

''(2) AMOUNTS.—Not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to tribally designated housing entities.

''(3) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis.

''(4) LIMITATION.—Appropriated funds may only be used for the purposes described in subsection (f).

''(c) ELIGIBLE GRANTEES.—

''(1) IN GENERAL.—Eligible grantees are—

''(A) public housing agencies;

''(B) principally managed public housing resident management corporations, as determined by the Secretary;

''(C) public housing projects owned by public housing agencies;

''(D) agencies and authorities receiving assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

''(E) private, for-profit, and nonprofit owners or managers of assisted housing.

''(2) SUBMISSION REQUIRED FOR ALL GRANTEES.—To receive assistance under this section, an eligible grantee shall certify that—

''(A) its policies and practices do not prohibit or limit a resident's right to summon police or other emergency assistance in response to domestic violence, dating violence, sexual assault, or stalking;

''(B) programs and services are developed that give a preference in admission to adult and youth victims of such violence, consistent with local housing needs, and applicable law and the Secretary's instructions;

''(C) it does not discriminate against any person—

''(i) because that person is or is perceived to be, or has a family or household member who is or is perceived to be, a victim of such violence; or

''(ii) because of the actions or threatened actions of the individual who the victim, as certified in subsection (e), states has committed or threatened to commit acts of such violence against the victim, or against the victim's family or household member;

''(D) plans are developed that establish meaningful consultation and coordination with local victim service providers, tenant organizations, linguistically and culturally specific service providers, State domestic violence and sexual assault coalitions, and, where they exist, tribal domestic violence and sexual assault coalitions; and

''(E) its policies and practices will be in compliance with those described in this paragraph within the later of 1 year or a period selected by the Attorney General in consultation with the Secretary and ACYF.

''(d) APPLICATION.—Each eligible entity seeking a grant under this section shall submit an application to the Attorney General at such a time, in such a manner, and containing such information as the Attorney General may require.

''(e) CERTIFICATION.—

''(1) IN GENERAL.—A public housing agency, tribally designated housing entity, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The individual shall provide a copy of such certification to the public housing agency, tribally designated housing entity, or assisted housing provider within a reasonable period of time after the agency or authority requests such certification.

''(2) CONTENTS.—An individual may satisfy the certification requirement of paragraph (1) by—

''(A) providing the public housing agency, tribally designated housing entity, or assisted housing provider with documentation, signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or

''(B) producing a Federal, State, tribal, territorial, or local police or court record.

''(3) LIMITATION.—Nothing in this subsection shall be construed to require any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing authority may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

''(4) CONFIDENTIALITY.—

''(A) IN GENERAL.—All information provided to any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in the strictest confidence by such housing authority, and shall neither be entered into any shared database, nor provided to any related housing agency, assisted housing provider, tribally designated housing entity, owner, or manager, except to the extent that disclosure is—

''(i) requested or consented to by the individual in writing; or

''(ii) otherwise required by applicable law.

''(B) NOTIFICATION.—An individual shall be notified of the limits of such confidentiality and informed in advance about circumstances in which the housing agency, assisted housing provider, tribally designated housing entity, owner, or manager will be compelled to disclose the individual's information.

''(f) USE OF FUNDS.—Grants and contracts awarded pursuant to subsection (a) shall provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of—

''(1) enabling victims of domestic violence, dating violence, sexual assault, and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain housing or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories;

''(2) permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim's or the victim children's safety;

''(3) protecting victims' confidentiality, including protection of victims' personally identifying information, address, or rental history;

''(4) assisting victims who need to leave a public housing, Indian housing, or assisted housing unit quickly to protect their safety, including those who are seeking transfer to a new public housing unit, Indian housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;

''(5) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;

''(6) enabling the public housing agency, tribally designated housing entity, or assisted housing provider to comply with court orders, including civil protection orders issued to protect the victim, when notified and issued to address the distribution or possession of property among the household members in cases where a family breaks up;

''(7) developing and implementing more effective security policies, protocols, and services;

''(8) allotting not more than 15 percent of funds awarded under the grant to make physical improvements;

''(9) training personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and

''(10) effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this section.

''(h) TECHNICAL ASSISTANCE.—Up to 12 percent of the amount appropriated under subsection (g) for each fiscal year shall be used by the Attorney General for technical assistance costs under this section.''.

SEC. 602. TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.

(a) IN GENERAL.—Section 40299 of the Violence Against Women Act of 1994 (42 U.S.C. 13975) is amended—

(1) in subsection (a)—

(A) by inserting ''the Department of Housing and Urban Development, and the Department of Health and Human Services,'' after ''Department of Justice,'';

(B) by inserting '', including domestic violence and sexual assault victim service providers, domestic violence and sexual assault coalitions, other nonprofit, nongovernmental organizations, or community-based and culturally specific organizations, that have a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking'' after ''other organizations''; and

(C) in paragraph (1), by inserting '', dating violence, sexual assault, or stalking'' after ''domestic violence'';

(2) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) in paragraph (3), as redesignated, by inserting '', dating violence, sexual assault, or stalking'' after ''violence'';

(C) by inserting before paragraph (2), as redesignated, the following:

''(1) transitional housing, or acquire land or buildings, or rehabilitate or construct buildings for the purpose of providing transitional housing to persons described in subsection (a), including funding for—

''(A) the predevelopment cost and capital expenses involved in the development of transitional housing; and

''(B) the operating expenses of newly developed or existing transitional housing.''; and

(D) in paragraph (3)(B) as redesignated, by inserting ''Participation in the support services shall be voluntary. Receipt of the benefits of the housing assistance described in paragraph (2) shall not be conditioned upon the participation of the youth, adults, or their dependents in any or all of the support services offered them.'' after ''assistance.'';

(3) in paragraph (1) of subsection (c), by striking ''18 months'' and inserting ''24 months'';

(4) in subsection (d)(2)—

(A) by striking ''and'' at the end of subparagraph (A);

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) provide assurances that any supportive services offered to participants in programs developed under subsection (b)(3) are voluntary and that refusal to receive such services shall not be grounds for termination from the program or eviction from the victim's housing; and'';

(5) in subsection (e)(2)—

(A) in subparagraph (A), by inserting ''purpose and'' before ''amount'';

(B) in clause (ii) of subparagraph (C), by striking ''and'';

(C) in subparagraph (D), by striking the period and inserting ''; and''; and

(D) by adding at the end the following new subparagraph:

''(E) the client population served and the number of individuals requesting services that the transitional housing program is unable to serve as a result of a lack of resources.''; and

(6) in subsection (g)—

(A) in paragraph (1), by striking ''$30,000,000'' and inserting ''$40,000,000'';

(B) in paragraph (1), by striking ''2004'' and inserting ''2006'';

(C) in paragraph (1), by striking ''2008.'' and inserting ''2010'';

(D) in paragraph (2), by striking ''not more than 3 percent'' and inserting ''up to 5 percent'';

(E) in paragraph (2), by inserting ''evaluation, monitoring, technical assistance,'' before ''salaries''; and

(F) in paragraph (3), by adding at the end the following new subparagraphs:

''(C) UNDERSERVED POPULATIONS.—

''(i) A minimum of 7 percent of the total amount appropriated in any fiscal year shall be allocated to tribal organizations serving adult and youth victims of domestic violence, dating violence, sexual assault, or stalking, and their dependents.

''(ii) Priority shall be given to projects developed under subsection (b) that primarily serve racial, ethnic, or other underserved populations.''.

SEC. 603. PUBLIC HOUSING AUTHORITY PLANS REPORTING REQUIREMENT.

Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraph (3)'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) STATEMENT OF GOALS.—The 5-year plan shall include a statement by any public housing agency of the goals, objectives, policies, or programs that will enable the housing authority to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.'';

(2) in subsection (d), by redesignating paragraphs (13), (14), (15), (16), (17), and (18), as paragraphs (14), (15), (16), (17), (18), and (19), respectively; and

(3) by inserting after paragraph (12) the following:

''(13) DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING PROGRAMS.—A description of—

''(A) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;

''(B) any activities, services, or programs provided or offered by a public housing agency that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and

''(C) any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.''.

SEC. 604. HOUSING STRATEGIES.

Section 105(b)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705(b)(1)) is amended by inserting after ''immunodeficiency syndrome,'' the following: ''victims of domestic violence, dating violence, sexual assault, and stalking''.

SEC. 605. AMENDMENT TO THE MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

Section 423 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383) is amended—

(1) by adding at the end of subsection (a) the following:

''(8) CONFIDENTIALITY.—

''(A) IN GENERAL.—In the course of awarding grants or implementing programs under this subsection, the Secretary shall instruct any recipient or subgrantee not to disclose to any person, agency, or entity any personally identifying information about any client where the Secretary, recipient, or subgrantee believes based upon reasonable evidence that the client is either a child or an adult victim of domestic violence, dating violence, sexual assault, or stalking, and has immediate safety concerns, or is the parent or guardian of a child victim of domestic violence, dating violence, sexual assault, or stalking, and has immediate safety concerns. The Secretary shall not require or ask a recipient or subgrantee of any other Federal or State program to disclose personally identifying information about any clients where the persons, agencies, or entities implementing those programs believe, based upon reasonable evidence, that those clients either are child or adult victims of domestic violence, dating violence, sexual assault, or stalking, and has immediate safety concerns or are the parents or guardians of child victims of domestic violence, dating violence, sexual assault, or stalking, and has immediate safety concerns. The Secretary shall instruct any recipient or subgrantee under this subsection or any recipient or subgrantee of any other Federal or State program participating in the Homeless Management Information System that personally identifying information about any client may only be disclosed if the program seeking to disclose such information has obtained informed, reasonably time-limited, written consent from the client to whom the information relates. The Secretary may require or ask any recipient or subgrantee to share nonpersonally identifying data in the aggregate regarding services to clients and nonpersonally identifying demographic information in order to comply with the data collection requirements of the Homeless Management Information System.

''(B) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

''(i) a first and last name;

''(ii) a home or other physical address;

''(iii) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

''(iv) a social security number; and

''(v) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of clauses (i) through (iv), would serve to identify any individual.''.

SEC. 606. AMENDMENTS TO THE LOW-INCOME HOUSING ASSISTANCE VOUCHER PROGRAM.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (c)—

(A) in the first sentence by inserting ''; miscellaneous provisions'' after ''monthly assistance payments''; and

(B) by adding at the end the following new paragraph:

''(9)(A) That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission.

''(B) An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence.

''(C)(i) Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of tenancy or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.

''(ii) A public housing agency or an owner or manager under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

''(iii) Nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to comply with court orders, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.

''(iv) Nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency or assisted housing provider to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate.

''(v) Nothing in clause (i) may be construed to limit the authority of an owner or manager to evict any tenant or lawful occupant if the owner or manager can demonstrate an actual

and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.

''(vi) Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.''.

(2) in subsection (d)—

(A) in paragraph (1)(A), by inserting after ''public housing agency'' the following: ''and that an applicant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission'';

(B) in paragraph (1)(B)(ii), by inserting after ''other good cause'' the following: '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence''; and

(C) in paragraph (1)(B)(iii), by inserting after ''termination of tenancy'' the following: '', except that (I) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (II) a public housing agency or an owner or manager under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (III) nothing in subclause (I) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to comply with court orders, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (IV) nothing in subclause (I) limits any otherwise available authority of an owner or manager to evict or the public housing agency or assisted housing provider to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (V) nothing in subclause (I) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate voucher assistance, to any tenant if the owner, manager, public housing agency, or assisted housing provider can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (VI) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.'';

(3) in subsection (f)—

(A) in paragraph (6), by striking ''and'';

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(8) the term 'domestic violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994;

''(9) the term 'dating violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994; and

''(10) the term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

''(A) fear for his or her safety or the safety of others; or

''(B) suffer significant emotional or physical distress; and

''(11) the term 'sexual assault' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994.'';

(4) in subsection (o)—

(A) by inserting at the end of paragraph (6)(B) the following new sentence: ''That an applicant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance by or for denial of admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.'';

(B) in paragraph (7)(C), by inserting after ''other good cause'' the following: '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence'';

(C) in paragraph (7)(D), by inserting after ''termination of tenancy'' the following: ''; except that (i) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (ii) a public housing agency or an owner or manager under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (iii) nothing in clause (i) may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to comply with court orders, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household member sin cases where a family breaks up; (iv) nothing in clause (i) limits any otherwise available authority of an owner or manager to evict or the public housing agency or assisted housing provider to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (v) nothing in clause (i) may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate, voucher assistance to any tenant if the owner, manager, public housing agency, or assisted housing provider can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance; and (vi) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.''; and

(D) by adding at the end the following new paragraph:

''(20) PROHIBITED BASIS FOR TERMINATION OF ASSISTANCE.—

''(A) IN GENERAL.—A public housing agency may not terminate assistance to a participant in the voucher program on the basis of an incident or incidents of actual or threatened domestic violence, dating violence, or stalking against that participant.

''(B) CONSTRUAL OF LEASE PROVISIONS.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered a serious or repeated violation of the lease by the victim or threatened victim of that criminal activity justifying termination of assistance to the victim or threatened victim.

''(C) TERMINATION ON THE BASIS OF CRIMINAL ACTIVITY.—Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termination of assistance for any participant or immediate member of a participant's family who is a victim of the domestic violence, dating violence, or stalking.

''(D) EXCEPTIONS.—

''(i) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE FOR CRIMINAL ACTS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others.

''(ii) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE ASSISTANCE FOR IMMINENT THREAT.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of a public housing agency to terminate assistance to any individual who has been evicted from housing assisted under the program based on a showing that he or she presented an actual and imminent threat to other tenants or to staff of the owner or public housing agency.

''(iii) COMPLIANCE WITH COURT ORDERS.—Nothing in subparagraphs (A), (B), or (C) may be construed to limit the authority of a public housing agency, when notified, to comply with court orders, including civil protection orders issued to protect the victim and issued to address the distribution possession of property among the household members in cases where a family breaks up.

''(iv) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR ACTS OF VIOLENCE.—Nothing in subparagraphs (A), (B), or (C) limit any otherwise available authority of the public housing agency to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate.

''(v) PUBLIC HOUSING AUTHORITY RIGHT TO TERMINATE VOUCHER ASSISTANCE FOR IMMINENT THREAT.—Nothing in subparagraphs (A), (B), (C) may be construed to limit the authority of the public housing agency to terminate voucher assistance to a tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or public housing agency if that tenant is not evicted or terminated from assistance.

''(vi) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.'';

(5) in subsection (r)(5), by inserting after ''violation of a lease'' the following: '', except that a family may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program

if the family has complied with all other obligations of the section 8 program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit''; and

(6) by adding at the end the following new subsection:

''(ee) CERTIFICATION AND CONFIDENTIALITY.—

''(1) CERTIFICATION.—

''(A) IN GENERAL.—An owner, manager, public housing agency, or assisted housing provider responding to subsections (c)(9), (d)(1)(B(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. The individual shall provide such certification within 14 business days after the owner, manager, public housing agency, or assisted housing provider requests such certification.

''(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the owner, manager, public housing agency, or assisted housing provider has requested such certification in writing, nothing in this subsection may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate voucher assistance for, any tenant or lawful occupant that commits violations of a lease. The owner, manager, public housing agency, or assisted housing provider may extend the 14-day deadline at their discretion.

''(C) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

''(i) providing the requesting owner, manager, public housing agency, or assisted housing provider with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

''(ii) producing a Federal, State, tribal, territorial, or local police or court record.

''(D) LIMITATION.—Nothing in this subsection shall be construed to require an owner, manager, public housing agency, or assisted housing provider to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking in order to receive any of the benefits provided in this section. At their discretion, the owner, manager, public housing agency, or assisted housing provider may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

''(E) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with this statute by an owner, manager, public housing agency, or assisted housing provider based on the certification specified in paragraph (1)(A) and (B) of this subsection or based solely on the victim's statement or other corroborating evidence, as permitted by paragraph (1)(C) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by an owner, manger, public housing agency, or assisted housing provider, or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(9), or (r)(5).

''(F) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

''(2) CONFIDENTIALITY.—

''(A) IN GENERAL.—All information provided to an owner, manager, public housing agency, or assisted housing provider pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in the strictest confidence by an owner, manager, public housing agency, or assisted housing provider, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

''(i) requested or consented to by the individual in writing; or

''(ii) otherwise required by applicable law.

''(B) NOTIFICATION.—An individual must be notified of the limits of such confidentiality and informed in advance about circumstances in which the person or entity will be compelled to disclose the individual's information.''.

SEC. 607. AMENDMENTS TO THE PUBLIC HOUSING PROGRAM.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (c), by redesignating paragraph (3) and (4), as paragraphs (4) and (5), respectively;

(2) by inserting after paragraph (2) the following:

''(3) the public housing agency shall not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking'';

(3) in subsection (l)(5), by inserting after ''other good cause'' the following: '', and that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence'';

(4) in subsection (l)(6), by inserting after ''termination of tenancy'' the following: ''; except that (A) criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking; (B) a public housing agency under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant; (C) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency, when notified, to comply with court orders, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up; (D) nothing in subparagraph (A) limits any otherwise available authority of a public housing agency to evict a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate; (E) nothing in subparagraph (A) may be construed to limit the authority of a public housing agency to terminate the tenancy of any tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated; and (F) nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.''; and

(5) by inserting at the end of subsection (t) the following new subsection:

''(u) CERTIFICATION AND CONFIDENTIALITY.—

''(1) CERTIFICATION.—

''(A) IN GENERAL.—A public housing agency responding to subsection (l) (5) and (6) may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. The individual shall provide such certification within 14 business days after the public housing agency requests such certification.

''(B) FAILURE TO PROVIDE CERTIFICATION.—If the individual does not provide the certification within 14 business days after the public housing agency has requested such certification in writing, nothing in this subsection may be construed to limit the authority of the public housing agency to evict any tenant or lawful occupant that commits violations of a lease. The public housing agency may extend the 14-day deadline at its discretion.

''(C) CONTENTS.—An individual may satisfy the certification requirement of subparagraph (A) by—

''(i) providing the requesting public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or

''(ii) producing a Federal, State, tribal, territorial, or local police or court record.

''(D) LIMITATION.—Nothing in this subsection shall be construed to require any public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this section. At the public housing agency's discretion, a public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

''(E) PREEMPTION.—Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.

''(F) COMPLIANCE NOT SUFFICIENT TO CONSTITUTE EVIDENCE OF UNREASONABLE ACT.—Compliance with this statute by a public housing agency, or assisted housing provider based on the certification specified in subparagraphs (A)

and (B) of this subsection or based solely on the victim's statement or other corroborating evidence, as permitted by subparagraph (D) of this subsection, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by an owner, manager, public housing agency, or assisted housing provider, or employee thereof. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of subsection l(5) and (6).

''(2) CONFIDENTIALITY.—

''(A) IN GENERAL.—All information provided to any public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in the strictest confidence by such public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—

''(i) requested or consented to by the individual in writing; or

''(ii) otherwise required by applicable law.

''(B) NOTIFICATION.—An individual must be notified of the limits of such confidentiality and informed in advance about circumstances in which the person or entity will be compelled to disclose the individual's information.

''(3) DEFINITIONS.—For purposes of this subsection, subsection (c)(3), and subsection (l)(5) and (6)—

''(A) the term 'domestic violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994;

''(B) the term 'dating violence' has the same meaning given the term in section 40002 of the Violence Against Women Act of 1994; and

''(C) the term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

''(i) fear for his or her safety or the safety of others; or

''(ii) suffer significant emotional distress.''.

TITLE VII—PROVIDING ECONOMIC SECURITY FOR VICTIMS OF VIOLENCE

SEC. 701. GRANT FOR NATIONAL CLEARINGHOUSE AND RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

Subtitle N of the Violence Against Women Act of 1994 (Public Law 103–322; 108 Stat. 1902) is amended by adding at the end the following:

''Subtitle O—National Clearinghouse and Resource Center

''SEC. 41501. GRANT FOR NATIONAL CLEARINGHOUSE AND RESOURCE CENTER ON WORKPLACE RESPONSES TO ASSIST VICTIMS OF DOMESTIC AND SEXUAL VIOLENCE.

''(a) AUTHORITY.—The Attorney General, acting through the Director of the Office on Violence Against Women, may award a grant to an eligible nonprofit nongovernmental entity or tribal organization, in order to provide for the establishment and operation of a national clearinghouse and resource center on workplace responses to assist victims of domestic and sexual violence. The clearinghouse and resource center shall provide information and assistance to employers, labor organizations, and advocates on behalf of victims of domestic or sexual violence, to aid in their efforts to develop and implement appropriate responses to such violence in order to assist those victims.

''(b) APPLICATIONS.—To be eligible to receive a grant under this section, an entity or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including—

''(1) information that demonstrates that the entity or organization has nationally recognized expertise in the area of domestic or sexual violence, and a record of commitment to reducing domestic or sexual violence;

''(2) a plan to maximize, to the extent practicable, outreach to employers (including private companies and public entities such as public institutions of higher education and State and local governments), labor organizations, and advocates described in subsection (a) concerning developing and implementing appropriate workplace responses to assist victims of domestic or sexual violence; and

''(3) a plan for developing materials and training for materials for employers that address the needs of employees in cases of domestic violence, dating violence, sexual assault, and stalking impacting the workplace, including the needs of racial and ethnic and other underserved communities.

''(c) USE OF GRANT AMOUNT.—

''(1) IN GENERAL.—An entity or organization that receives a grant under this section may use the funds made available through the grant for staff salaries, travel expenses, equipment, printing, and other reasonable expenses necessary to develop, maintain, and disseminate to employers, labor organizations, and advocates described in subsection (a), information and assistance concerning appropriate workplace responses to assist victims of domestic or sexual violence.

''(2) RESPONSES.—Responses referred to in paragraph (1) may include—

''(A) providing training to promote a better understanding of appropriate workplace assistance to victims of domestic or sexual violence;

''(B) providing conferences and other educational opportunities;

''(C) developing protocols and model workplace policies;

''(D) providing employer-sponsored and labor organization-sponsored victim assistance and outreach counseling; and

''(E) conducting assessments of the workplace costs of domestic or sexual violence.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010.

''(e) AVAILABILITY OF GRANT FUNDS.—Funds appropriated under this section shall remain available until expended.''.

TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANT WOMEN

Subtitle A—Victims of Crime

SEC. 801. TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(B) in subclause (III)(aa)—

(i) by inserting ''Federal, State, or local'' before ''investigation''; and

(ii) by striking '', or'' and inserting ''or crimes related to trafficking; or''; and

(C) in subclause (IV), by striking ''and'' at the end;

(2) by amending clause (ii) to read as follows:

''(ii) if accompanying, or following to join, the alien described in clause (i)—

''(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; and

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and''; and

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

''(iii) if a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in clause (i)(III)(aa), the request is not reasonable.

(b) TREATMENT OF SPOUSES AND CHILDREN OF VICTIMS OF ABUSE.—Section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) in subclause (I), by inserting ''or injury'' after ''physical or mental abuse'';

(2) by amending clause (ii) to read as follows:

''(ii) if accompanying, or following to join, the alien described in clause (i)—

''(I) in the case of an alien described in clause (i) who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; and

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien; and''; and

(3) in clause (iii), by inserting ''child abuse; stalking (including physical or electronic stalking);'' after ''false imprisonment;''.

(c) TECHNICAL AMENDMENTS.—Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(1) in paragraph (1), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security, the Attorney General,''; and

(2) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

SEC. 802. PRESENCE OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.

(a) IN GENERAL.—Section 212(a)(9)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(iii)) is amended by adding at the end the following:

''(V) VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Clause (i) shall not apply to an alien who demonstrates that there was a connection between the alien being a victim of a severe form of trafficking (as that term is defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)) and the alien's unlawful presence in the United States.''.

(b) TECHNICAL AMENDMENT.—Paragraphs (13) and (14) of section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) are amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

SEC. 803. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.

Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(1) in paragraph (1)—

(A) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(B) in subparagraph (A), by striking ''3 years'' and inserting ''1 year'';

(2) in paragraph (2), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(3) in paragraph (5), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

SEC. 804. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) CLARIFICATION OF DEPARTMENT OF JUSTICE AND DEPARTMENT OF HOMELAND SECURITY ROLES.—

(1) TRAFFICKING VICTIMS.—Section 107 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105) is amended—

(A) in subsections (b)(1)(E), (e)(5), and (g), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(B) in subsection (c), by inserting '', the Secretary of Homeland Security'' after ''Attorney General''.

(2) NONIMMIGRANT ALIENS.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended—

(A) in subsection (a)(15)(T), by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security; and

(B) in subsection (i)—

(i) in paragraph (1), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security, the Attorney General,''; and

(ii) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(3) INADMISSIBLE ALIENS.—Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)) is amended—

(A) in subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(B) in subparagraph (B)—

(i) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(ii) by striking '', in the Attorney General's discretion,''.

(4) ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(A) in paragraphs (1), (2), and (4), by striking ''Attorney General'' the first place it appears in each such paragraph and inserting ''Secretary of Homeland Security'';

(B) in paragraphs (1) and (2), by striking ''Attorney General'' the second place it appears in each such paragraph and inserting ''Secretary''; and

(C) in paragraph (2), by striking '', in the Attorney General's discretion,''.

(b) CERTIFICATION PROCESS.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking ''Attorney General, that the person referred to in subparagraph (C)(ii)(II)—'' and inserting ''Attorney General or the Secretary of Homeland Security, as appropriate, that the person referred to in subparagraph (C)(ii)(II)—

''(I) has not attained 18 years of age; or—'';

(B) in subclause (I)—

(i) by striking ''(I)'' and inserting ''(II)''; and

(ii) by striking ''investigation and prosecution'' and inserting ''investigation or prosecution, by the United States or a State or local government,''; and

(C) in subclause (II)—

(i) by striking ''(II)'' and inserting ''(III)''; and

(ii) in item (bb), by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'';

(2) in clause (ii), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(3) in clause (iii)—

(A) in subclause (II), by striking ''and'' at the end;

(B) in subclause (III), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(IV) responding to and cooperating with requests for evidence and information.; and

(4) by striking ''investigation and prosecution'' each place it appears and inserting ''investigation or prosecution''.

(b) TRAFFICKING VICTIM REGULATIONS.—Section 107(c) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)) is amended—

(1) in the matter preceding paragraph (1), by inserting '', the Secretary of Homeland Security,'' after ''Attorney General''; and

(2) in paragraph (3)—

(A) by striking ''Federal law enforcement officials'' and inserting ''The Department of Homeland Security''; and

(B) by adding at the end the following: ''State or local law enforcement officials may petition the Department of Homeland Security for the continued presence for trafficking victims. If such a petition contains a certification that a trafficking victim is a victim of a severe form of trafficking, the presence of the trafficking victim may be permitted in accordance with this paragraph.''.

(c) PROTECTION FROM REMOVAL FOR CERTAIN CRIME VICTIMS.—Section 107(e)(5) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)(5)) is amended by striking ''Attorney General'' each place it occurs and inserting ''Secretary of Homeland Security''.

(d) ANNUAL REPORT.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by inserting ''or the Secretary of Homeland Security'' after ''Attorney General''.

SEC. 805. PROTECTING VICTIMS OF CHILD ABUSE.

(a) AGING OUT CHILDREN.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(1) in clause (i)—

(A) in subclause (I), by inserting ''or section 204(a)(1)(B)(iii)'' after ''204(a)(1)(A)'' each place it appears; and

(B) in subclause (III), by striking ''a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable,'' and inserting ''a VAWA self-petitioner''; and

(2) by adding at the end the following:

''(iv) Any alien who benefits from this subparagraph may adjust status in accordance with subsections (a) and (c) of section 245 as an alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii).''.

(b) APPLICATION OF CSPA PROTECTIONS.—

(1) IMMEDIATE RELATIVE RULES.—Section 201(f) of the Immigration and Nationality Act (8 U.S.C. 1151(f)) is amended by adding at the end the following:

''(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.''.

(2) CHILDREN RULES.—Section 203(h) of the Immigration and Nationality Act (8 U.S.C. 1153(h)) is amended by adding at the end the following:

''(4) APPLICATION TO SELF-PETITIONS.—Paragraphs (1) through (3) shall apply to self-petitioners and derivatives of self-petitioners.''.

(c) LATE PETITION PERMITTED FOR IMMIGRANT SONS AND DAUGHTERS BATTERED AS CHILDREN.—

(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), as amended by subsection (a), is further amended by adding at the end the following:

''(v) For purposes of this paragraph, an individual who is not less than 21 years of age, who qualified to file a petition under subparagraph (A)(iv) as of the day before the date on which the individual attained 21 years of age, and who did not file such a petition before such day, shall be treated as having filed a petition under such subparagraph as of such day if a petition is filed for the status described in such subparagraph before the individual attains 25 years of age and the individual shows a connection between the abuse and the filing delay. Clauses (i) through (iv) of this subparagraph shall apply to an individual described in this clause in the same manner as an individual filing a petition under subparagraph (A)(iv).''.

(d) REMOVING A 2-YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting before the colon the following: ''or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household''.

Subtitle B—VAWA Self-Petitioners

SEC. 811. DEFINITION OF VAWA SELF-PETITIONER.

Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

''(51) The term 'VAWA self-petitioner' means an alien, or a child of the alien, who qualifies for relief under—

''(A) clause (iii), (iv), or (vii) of section 204(a)(1)(A);

''(B) clause (ii) or (iii) of section 204(a)(1)(B);

''(C) section 216(c)(4)(C);

''(D) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty;

''(E) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note);

''(F) section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act; or

''(G) section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208).''.

SEC. 812. APPLICATION TO FIANCEES WHO DO NOT MARRY WITHIN 90-DAY PERIOD.

(a) IN GENERAL.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended by inserting before the period at the end the following: '', unless the alien is eligible for status as a VAWA self-petitioner, for relief under section 240A(b)(2), or for relief under section 244(a)(3) (as in effect prior to March 31, 1997), and the alien married the United States citizen who filed the petition under section 101(a)(15)(K)(i)''.

(b) EXEMPTION FOR BATTERED IMMIGRANT WOMEN WHO ENTERED THE UNITED STATES ON FIANCEE VISAS FROM CONDITIONAL RESIDENCY STATUS REQUIREMENT.—Section 245(d) of the Immigration and Nationality Act (8 U.S.C. 1255(d)) is amended—

(1) by inserting ''(1)'' after ''(d)''; and

(2) by adding at the end the following:

''(2) The failure of a nonimmigrant described in section 101(a)(15)(K) to marry within 3 months of being admitted in such status does not restrict the Secretary of Homeland Security's or the Attorney General's authority to adjust the status of the nonimmigrant, or grant relief under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997), provided that—

''(A) the alien married the United States citizen who filed the petition under section 101(a)(15)(K)(i);

''(B) the United States citizen petitioner subjected a VAWA self-petitioner to battery or extreme cruelty; and

''(C) the alien shows a connection between the battery or extreme cruelty and the failure to marry within the 90-day period.''.

SEC. 813. APPLICATION IN CASE OF VOLUNTARY DEPARTURE.

Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended to read as follows:

''(d) CIVIL PENALTY FOR FAILURE TO DEPART.—

''(1) IN GENERAL.—Subject to paragraph (2), if an alien is permitted to depart voluntarily under this section and voluntarily fails to depart the United States within the time period specified, the alien—

''(A) shall be subject to a civil penalty of not less than $1,000 and not more than $5,000; and

''(B) shall be ineligible, for a period of 10 years, to receive any further relief under this section and sections 240A, 245, 248, and 249.

''(2) APPLICATION OF VAWA PROTECTIONS.—The restrictions on relief under paragraph (1) shall not apply to relief under section 240A or 245 on the basis of a petition filed by a VAWA self-petitioner, or a petition filed under section 240A(b)(2), or under section 244(a)(3) (as in effect prior to March 31, 1997),if the extreme cruelty or battering occurred before the alien overstayed the grant of voluntary departure.

''(3) NOTICE OF PENALTIES.—The order permitting an alien to depart voluntarily shall inform the alien of the penalties under this subsection.''.

SEC. 814. REMOVAL PROCEEDINGS.

(a) EXCEPTIONAL CIRCUMSTANCES.—

(1) IN GENERAL.—Section 240(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1229a(e)(1)) is amended by striking ''serious illness of the alien'' and inserting ''battery or extreme cruelty to the alien or any child or parent of the alien, serious illness of the alien,''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to a failure to appear that occurs before, on, or after the date of the enactment of this Act.

(b) DISCRETION TO CONSENT TO AN ALIEN'S REAPPLICATION FOR ADMISSION.—

(1) IN GENERAL.—The Secretary of Homeland Security, the Attorney General, and the Secretary of State shall continue to have discretion to consent to an alien's reapplication for admission after a previous order of removal, deportation, or exclusion.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the officials described in paragraph (1) should particularly consider exercising this authority in cases under the Violence Against Women Act of 1994, cases involving nonimmigrants described in subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), and relief under section 240A(b)(2) or 244(a)(3) of such Act (as in effect on March 31, 1997) pursuant to regulations under section 212.2 of title 8, Code of Federal Regulations.

(c) RESTRICTION ON REMOVAL WHILE VAWA PETITION PENDING.—

(1) IN GENERAL.—Section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) is amended by adding at the end the following:

''(f) RESTRICTION ON REMOVAL WHILE PETITION PENDING.—An alien who is a VAWA self-petitioner, the beneficiary under subparagraph (T) or (U) of section 101(a)(15) who meets the requirement of section 240A(b)(2) or subparagraphs (A) through (C) of section 216(c)(4), or who qualifies for relief under section 244(a)(3) (as in effect on March 31, 1997)—

''(1) shall not be removed or deported until the Bureau of Immigration and Customs Enforcement has consulted with the Bureau of Citizenship and Immigration Services to determine whether the alien is entitled to any form of relief; and

''(2) shall not be detained while in removal proceedings, unless mandatory detention is required under section 236A or 236(c).''.

(2) WAIVERS AND EXCEPTIONS.—Section 236(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(A) in paragraph (2) by inserting ''(A)'' before ''The Attorney General may release an alien described in paragraph (1) only''; and

(B) adding at the end the following:

''(B) The Secretary of Homeland Security or the Attorney General may release on their own recognizance an alien described in paragraph (1) if the Secretary or the Attorney General determines that the alien may qualify for—

''(i) a waiver under section 212(d)(13), 212(d)(14), 212(h), 237(a)(2)(A)(v), or 237(a)(7); or

''(ii) an exception under section 204(a)(1)(C); or

''(iii) relief under section 240A(a).''.

(d) CLARIFYING APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C), by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'' and inserting '', subject to paragraph (5)'';

(B) in paragraph (2)(A)(iv), by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'' and inserting '', subject to paragraph (5)''; and

(C) by adding at the end the following:

''(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The authority provided under section 237(a)(7) may apply under paragraphs (1)(B), (1)(C), and (2)(A)(iv) in a cancellation of removal and adjustment of status proceeding.''.

SEC. 815. ELIMINATING ABUSERS' CONTROL OVER APPLICATIONS FOR ADJUSTMENTS OF STATUS.

(a) APPLICATION OF VAWA DEPORTATION PROTECTIONS TO ALIENS ELIGIBLE FOR RELIEF UNDER CUBAN ADJUSTMENT AND HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note; division B of Public Law 106–386) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

''(i) if the basis of the motion is to apply for relief under—

''(I) clause (iii) or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A));

''(II) clause (ii) or (iii) of section 204(a)(1)(B) of such Act (8 U.S.C. 1154(a)(1)(B));

''(III) section 244(a)(3) of such Act (8 U.S.C. 8 U.S.C. 1254(a)(3));

''(IV) the first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty; or

''(V) section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note); and''; and

(B) in clause (ii), by inserting ''or adjustment of status'' after ''suspension of deportation''; and

(2) in subparagraph (B)(ii), by striking ''for relief'' and all that follows through ''1101 note))'' and inserting ''for relief described in subparagraph (A)(i)''.

(b) EMPLOYMENT AUTHORIZATION FOR VAWA SELF-PETITIONERS.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

''(l) Upon the approval of a petition as a VAWA self-petitioner, the alien—

''(i) is eligible for work authorization; and

''(ii) shall be provided an 'employment authorized' endorsement or appopriate work permit incidental to such approval.''.

SEC. 816. APPLICATION FOR VAWA-RELATED RELIEF.

(a) IN GENERAL.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

(1) in subparagraph (B)(ii), by inserting '', or was eligible for adjustment,'' after ''whose status is adjusted''; and

(2) in subparagraph (E), by inserting '', or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women Act of 2005'' after ''April 1, 2000''.

(b) TECHNICAL AMENDMENT.—Section 202(d)(3) of such Act (8 U.S.C. 1255 note; Public Law 105–100) is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 817. SELF-PETITIONING PARENTS.

Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following:

''(vii) An alien may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under section 201(b)(2)(A)(i) if the alien—

''(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who, within the past 2 years, lost or renounced citizenship status related to an incident of domestic violence or died;

''(II) is a person of good moral character;

''(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i);

''(IV) resides, or has resided, with the citizen daughter or son; and

''(V) demonstrates that the alien has been battered or subject to extreme cruelty by the citizen daughter or son.''.

SEC. 818. VAWA CONFIDENTIALITY NON-DISCLOSURE.

Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''(including any bureau or agency of such Department)'' and inserting '', the Secretary of Homeland Security, the Secretary of State, or any other official or employee of the Department of Homeland Security or Department of State (including any bureau or agency of either of such Departments)''; and

(B) in paragraph (1)—

(i) in subparagraph (D), by striking ''or'' at the end;

(ii) in subparagraph (E), by adding ''or'' at the end; and

(iii) by inserting after subparagraph (E) the following:

''(F) in the case of an alien applying for status under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)), under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105), under section 244(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(a)(3)), as in effect prior to March 31, 1999, or as a VAWA self-petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)), the trafficker or perpetrator,''.

(2) in subsection (b)(2), by inserting ''or his other designee'' after ''the discretion of the Attorney General.''.

Subtitle C—Miscellaneous Amendments

SEC. 821. DURATION OF T AND U VISAS.

(a) T VISAS.—Section 214(o) of the Immigration and Nationality Act (8 U.S.C. 1184(o)) is amended by adding at the end the following:

''(7)(A) Except as provided in subparagraph (B), an alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may be granted such status for a period of not more than 4 years.

''(B) An alien who is issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(T) may extend the period of such status beyond the period described in subparagraph (A) if a Federal, State, or local law enforcement official, prosecutor, judge, or other authority investigating or prosecuting activity relating to human trafficking or certifies that the presence of the alien in the United States is necessary to assist in the investigation or prosecution of such activity.''.

(b) U VISAS.—Section 214(p) of the Immigration and Nationality Act (8 U.S.C. 1184(p)) is amended by adding at the end the following:

''(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be 4 years, but shall be extended upon certification from a Federal, State, or local law enforcement official, prosecutor, judge, or other Federal, State, or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's presence in the United States is required to assist in the investigation or prosecution of such criminal activity.''.

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO T AND U NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of the Immigration and Nationality Act (8 U.S.C. 1258) is amended—

(A) by striking ''The Attorney General'' and inserting ''(a) The Secretary of Homeland Security'';

(B) by inserting ''(subject to subsection (b))'' after ''except''; and

(C) by adding at the end the following:

''(b) The exceptions specified in paragraphs (1) through (4) of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15).''.

(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking ''248(2)'' and inserting ''248(a)(2)''.

SEC. 822. TECHNICAL CORRECTION TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.

(a) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(1) in the first sentence, by striking ''(A)(i)(II)'' and inserting ''(A)(ii)''; and

(2) in the fourth sentence, by striking ''subsection (b)(2)(B) of this section'' and inserting ''this subparagraph, subparagraph (A)(ii),''.

(b) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking ''(A)(i)(III)'' and inserting ''(A)(iii)''.

(c) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking ''(9)(A)'' and inserting ''(10)(A)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in section 603(a)(1) of the Immigration Act of 1990 (Public Law 101–649; 104 Stat. 5082).

SEC. 823. PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) (commonly known as the Cuban Adjustment Act) is amended—

(1) in the last sentence, by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''; and

(2) by adding at the end the following: ''An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005) if there is demonstrated a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(1) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 824. SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.

(a) IN GENERAL.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended—

(1) in clause (i), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification'';

(2) in clause (ii), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification''; and

(3) in clause (iii), by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(3) shall take effect as if included in the enactment of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

SEC. 825. DEPORTATION PROCEEDINGS.

(a) DEPORTATION OR REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 240(c)(6)(C) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)(C)) is amended—

(A) in clause (iv), by striking ''The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply—'' and inserting ''No limitation on number of motions or on deadlines for filing motions under other provisions of this section shall apply—''; and

(B) by adding at the end the following:

''(v) STAY OF REMOVAL.—The filing of the motion described in clause (iv) shall stay the removal of the alien pending a final disposition of the motion, including the exhaustion of all appeals. Only 1 special motion under clause (iv) is permitted.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 442(a) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1279).

(b) MOTIONS TO REOPEN DEPORTATION PROCEEDINGS.—Section 1506(c)(2)(A) of the Violence Against Women Act of 2000 (division B of Public Law 106–386; 8 U.S.C. 1229a note) is amended—

(1) by inserting ''on number of motions or deadlines for filing motions'' after ''Notwithstanding any limitation'';

(2) by inserting '', deadline, or limit on number of motions'' after ''there is no time limit''; and

(3) by striking '', and the'' and inserting ''. The filing of a motion described in clauses (i) and (ii) shall stay the removal of the aliens pending a final disposition of the motion, including the exhaustion of all appeals. Only 1 motion under clauses (i) and (ii) is permitted. The''.

(c) CONFORMING AMENDMENTS.—Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (6)(A)(ii)(III), by striking ''substantial''; and

(2) in paragraph (9)(B)(iii)(IV), by striking ''who would be described in paragraph (6)(A)(ii)'' and inserting ''who demonstrates that the alien is described in subclauses (I) and (II) of paragraph (b)(A)(ii)''.

SEC. 826. PROTECTING ABUSED JUVENILES.

Section 287 of the Immigration and Nationality Act (8 U.S.C. 1357), as amended by section 726, is further amended by adding at the end the following—

''(i) An alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been battered, abused, neglected, or abandoned, shall not be compelled to contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under section 101(a)(27)(J)(iii)(I) of such Act.''.

SEC. 827. EXCEPTION FOR THE PROTECTION OF DOMESTIC VIOLENCE AND CRIME VICTIMS.

(a) Section 202 of the Real ID Act of 2005 (49 U.S.C. 30301 note; 119 Stat. 312) is amended by adding at the end the following:

''(e) EXCEPTION FOR THE PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE AND CRIME.—

''(1) ALTERNATIVE VALID ADDRESS AUTHORIZED FOR VICTIM PROTECTION AND CONFIDENTIALITY.—Victims who have been subjected to battery, extreme cruelty, domestic violence, dating violence, sexual assault or stalking may be exempt from the requirements of section 202(b)(6) and permitted to use an alternate address on their driver's license or identification card if the applicant—

''(A) is enrolled in a State address confidentiality program;

''(B) has been permitted by a Federal, State, tribal, territorial, or local court (as defined in section 2266 of title 18, United States Code) to keep the applicant's address or location confidential as part of a protection order (as defined in such section 2266) or other injunctive relief to protect the applicant from domestic violence, dating violence, sexual assault, or stalking;

''(C) is determined by the Center for Security and Integrity of the Social Security Administration, which is responsible for requests for changes of information in social security accounts as of May 1, 2005, to have been a victim of battery, extreme cruelty, domestic violence, dating violence, sexual assault or stalking under section 422.110 of title 20, Code of Federal Regulations; or

''(D) has received a prima facie determination or an approved petition as a VAWA self-petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act);

''(E) has received a bona fide determination or an approved application under subparagraph (T) of section 101(a)(15);

''(F) has received interim relief or an approved application under subparagraph (U) of section 101(a)(15);

''(G) has received continued presence or certification under section 107 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7105);

''(H) meets the requirements of section 240A(b)(2) of the Immigration and Nationality Act; or

''(I) qualifies for relief under section 244(a)(3) of such Act (as in effect on March 31, 1997).

''(2) ALTERNATIVE ADDRESS.—To meet the requirements of this section, a State may issue drivers' licenses by—

''(A) accepting any documentation from the entities described in paragraph (1) that distinguishes the alternative address as a substitute to the principal residential address;

''(B) printing the alternative address on the applicant's driver's license or identification card; and

''(C) entering the alternative address into the state's driver license database.

''(3) FILING AND APPROVAL OF APPLICATIONS.—

''(A) FILING.—Victims shall file applications requesting permission to use an alternative address with the Center for Security and Integrity of the Social Security Administration.

''(B) APPROVAL.—The Social Security Administration shall issue an approval notice containing the alternative address authorized.

''(4) CONFIDENTIALITY OF INFORMATION.—The Secretary of Health and Human Services and any other official or employee of the Department of Health and Human Services, or administration or bureau thereof, may not—

''(A) use the information furnished by the applicant pursuant to an application for alternative address filed under this section for any purpose other than to make a determination on the application;

''(B) make any publication whereby the information furnished by any particular individual can be identified; or

''(C) permit any person other than the sworn officers and employees of the Department or administration or bureau to access such information.

''(5) DEFINITIONS.—For the purposes of this section—

''(A) the term 'State address confidentiality program' means any State-authorized or State-administered program that—

''(i) allows victims of domestic violence, dating violence, sexual assault, stalking, or a severe form of trafficking to keep, obtain and use alternative addresses; or

''(ii) that provides confidential record-keeping regarding the addresses of such victims;

''(B) the term 'battering or extreme cruelty' has the meanings given the term in sections 204,

216, and 240 of the Immigration and Nationality Act (8 U.S.C. 1154, 1186a, and 1229a); and

''(C) the terms 'domestic violence', 'dating violence', 'sexual assault', and 'stalking' have the meanings given the terms in section 2008 of the Violence Against Women Act.''.

SEC. 828. RULEMAKING.

Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Homeland Security, and the Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of Public Law 106–386), this Act, and the amendments made by this Act.

Subtitle D—International Marriage Broker Regulation

SEC. 831. SHORT TITLE.

This subtitle may be cited as the ''International Marriage Broker Regulation Act of 2005''.

SEC. 832. DEFINITIONS.

In this subtitle:

(a) CRIME OF VIOLENCE.—The term ''crime of violence'' has the meaning given such term in section 16 of title 18, United States Code.

(b) DOMESTIC VIOLENCE.—The term ''domestic violence'' means any crime of violence, or other act forming the basis for a past or outstanding protective order, restraining order, no-contact order, conviction, arrest, or police report, committed against a person by—

(1) a current or former spouse of the person;

(2) an individual with whom the person shares a child in common;

(3) an individual with whom the person is cohabiting or has cohabited;

(4) an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction in which the offense occurs; or

(5) any other individual if the person is protected from that individual's acts pursuant to a court order issued under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

(c) FOREIGN NATIONAL CLIENT.—The term ''foreign national client'' means an individual who is not a United States citizen, a national of the United States, or an alien lawfully admitted to the United States for permanent residence and who utilizes the services of an international marriage broker, and includes an alien residing in the United States who is in the United States as a result of utilizing the services of an international marriage broker.

(d) INTERNATIONAL MARRIAGE BROKER.—

(1) IN GENERAL.—The term ''international marriage broker'' means a corporation, partnership, business, individual, or other legal entity, whether or not organized under any law of the United States, that charges fees for providing dating, matrimonial, matchmaking services, or social referrals between United States clients and foreign national clients by providing personal contact information or otherwise facilitating communication between individuals from these respective groups.

(2) EXCEPTIONS.—Such term does not include—

(A) a traditional matchmaking organization of a cultural or religious nature that operates on a nonprofit basis and in compliance with the laws of the countries in which it operates, including the laws of the United States; or

(B) an entity that provides dating services between United States citizens or residents and other individuals who may be aliens, but does not do so as its principal business, and charges comparable rates to all individuals it serves regardless of the gender, country of citizenship, or residence of the individual.

(e) K NONIMMIGRANT VISA.—The term ''K nonimmigrant visa'' means a nonimmigrant visa issued pursuant to clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

(f) PERSONAL CONTACT INFORMATION.—

(1) IN GENERAL.—The term ''personal contact information'' means information or a forum that would permit individuals to contact each other and includes—

(A) the name, telephone number, postal address, electronic mail address, and voice message mailbox of an individual; and

(B) the provision of an opportunity for an in-person meeting.

(2) EXCEPTION.—Such term does not include a photograph or general information about the background or interests of a person.

(g) STATE.—The term ''State'' includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(h) UNITED STATES CLIENT.—The term ''United States client'' means a United States citizen or other individual who resides in the United States and who makes a payment or incurs a debt in order to utilize the services of an international marriage broker.

SEC. 833. REGULATION OF INTERNATIONAL MARRIAGE BROKERS.

(a) PROHIBITION ON MARKETING CHILDREN.—An international marriage broker shall not provide any United States client or other person with the personal contact information, photograph, or general information about the background or interests of any individual under the age of 18.

(b) LIMITATIONS ON SHARING INFORMATION REGARDING FOREIGN NATIONAL CLIENTS.—

(1) IN GENERAL.—An international marriage broker shall not provide any United States client or other person with the personal contact information of any foreign national client or other individual 18 years of age or older unless and until the international marriage broker has—

(A) collected certain background information from the United States client or other person to whom the personal contact information would be provided, as specified in subsection (c);

(B) provided a copy of that background information to the foreign national client or other individual in the primary language of that client or individual;

(C) provided to the foreign national client or other individual in such primary language the information about legal rights and resources available to immigrant victims of domestic violence and other crimes in the United States developed under section 834;

(D) received from the foreign national client or other individual in such primary language a written consent that is signed (including using an electronic signature) to release such personal contact information to the specific United States client or other person to whom the personal contact information would be provided; and

(E) informed the United States client or other person from whom background information has been collected that, after filing a petition for a K nonimmigrant visa, the United States client or other person will be subject to a criminal background check.

(2) CONFIDENTIALITY AFTER ORDER OF PROTECTION OR CRIME.—

(A) NONDISCLOSURE OF INFORMATION REGARDING INDIVIDUALS WITH PROTECTION ORDERS AND VICTIMS OF CRIMES.—In fulfilling its obligations under this subsection, an international marriage broker shall not disclose the name or location of an individual who obtained a restraining or protection order as described in subsection (c)(2)(A), or of any other victim of a crime as described in subparagraphs (B) through (D) of subsection (c)(2).

(B) DISCLOSURE OF INFORMATION REGARDING UNITED STATES CLIENTS.—An international marriage broker shall disclose the relationship of the United States client or other person to an individual or victim described in paragraph (A).

(c) OBLIGATIONS OF INTERNATIONAL MARRIAGE BROKER WITH RESPECT TO MANDATORY COLLECTION OF INFORMATION.—

(1) IN GENERAL.—Each international marriage broker shall collect the background information listed in paragraph (2) from each United States client or other person to whom the personal contact information of a foreign national client or any other individual would be provided. The background information must be in writing and signed (including using an electronic signature) by the United States client or other person to whom the personal contact information of a foreign national client or any other individual would be provided.

(2) REQUIRED BACKGROUND INFORMATION.—An international marriage broker shall collect from a United States client or other person under paragraph (1) background information about each of the following:

(A) Any court order restricting the client's or person's physical contact or communication with or behavior towards another person, including any temporary or permanent civil restraining order or protection order.

(B) Any arrest or conviction of the client or person for homicide, murder, manslaughter, assault, battery, domestic violence, rape, sexual assault, abusive sexual contact, sexual exploitation, incest, child abuse or neglect, torture, trafficking, peonage, holding hostage, involuntary servitude, slave trade, kidnapping, abduction, unlawful criminal restraint, false imprisonment, stalking, or any similar activity in violation of Federal, State or local criminal law.

(C) Any arrest or conviction of the client or person for—

(i) solely or principally engaging in, or facilitating, prostitution;

(ii) any direct or indirect attempts to procure prostitutes or persons for the purpose of prostitution; or

(iii) any receipt, in whole or in part, of the proceeds of prostitution.

(D) Any arrest or conviction of the client or person for offenses related to controlled substances or alcohol.

(E) Marital history of the client or person, including—

(i) whether the client or individual is currently married;

(ii) whether the client or person has previously been married and how many times;

(iii) how previous marriages of the client or person were terminated and the date of termination; and

(iv) whether the client or person has previously sponsored the immigration of an alien to whom the client or person was engaged or married.

(F) The ages of any children of the client or person under the age of 18.

(G) All States in which the client or person has resided since the age of 18.

(d) PENALTIES.—

(1) FEDERAL CIVIL PENALTY.—

(A) VIOLATION.—An international marriage broker that violates subsection (a), (b), or (c) is subject to a civil penalty of not less than $20,000 for each such violation.

(B) PROCEDURES FOR IMPOSITION OF PENALTY.—The Secretary of Homeland Security may impose a penalty under paragraph (A) only after notice and an opportunity for an agency hearing on the record in accordance with subchapter II of chapter 5 of title 5, United States Code.

(2) FEDERAL CRIMINAL PENALTY.—An international marriage broker that violates subsection (a), (b), or (c) within the special maritime and territorial jurisdiction of the United States shall be fined in accordance with subchapter B of chapter 229 of title 18, United States Code, or imprisoned for not less than 1 year and not more than 5 years, or both.

(3) STATE ENFORCEMENT.—In any case in which the Attorney General of a State has reason to believe that an interest of the residents of that State has been, or is threatened to be, adversely affected by a violation of subsection (a), (b), or (c) by an international marriage broker, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in

a district court of the United States with appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with this section; or

(C) obtain damages.

(4) ADDITIONAL REMEDIES.—The penalties and remedies under this subsection are in addition to any other penalties or remedies available under law.

(e) NONPREEMPTION.—Nothing in this section shall preempt—

(1) any State law that provides additional protections for aliens who are utilizing the services of an international marriage broker or other international matchmaking organization; or

(2) any other or further right or remedy available under law to any party utilizing the services of an international marriage broker or other international matchmaking organization.

(f) REPEAL OF MAIL-ORDER BRIDE PROVISION.—Section 652 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1375) is hereby repealed.

SEC. 834. INFORMATION ABOUT LEGAL RIGHTS AND RESOURCES FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE.

(a) DEVELOPMENT OF INFORMATION PAMPHLET.—

(1) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop an information pamphlet to ensure the consistency and accuracy of information disseminated to—

(A) foreign national clients or other individuals by international marriage brokers pursuant to section 833(b)(1)(C); and

(B) beneficiaries of petitions filed by United States citizens for K nonimmigrant visas.

(2) CONSULTATION WITH EXPERT ORGANIZATIONS.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall develop such information pamphlet by working in consultation with non-profit, non-governmental immigrant victim advocacy organizations.

(b) CONTENTS OF INFORMATION PAMPHLET.—The information pamphlet required under subsection (a) shall include information on the following:

(1) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(2) The requirement that international marriage brokers provide foreign national clients with background information collected from United States clients regarding their marital history and domestic violence or other violent criminal history, but that such information may not be complete or accurate.

(3) The illegality of domestic violence, sexual assault, and child abuse in the United States.

(4) Information on the dynamics of domestic violence.

(5) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline, a project of the Texas Council on Family Violence, a nonprofit organization dedicated to fighting domestic violence, and the National Sexual Assault Hotline, operated by the Rape, Abuse and Incest National Network, and independent anti-sexual assault organization.

(6) A description of immigration relief available to an immigrant victim of domestic violence, sexual assault, trafficking, and other crimes under the Violence Against Women Act, including the amendments made by that Act, section 101(a)(15)(U) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(U)), and section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)).

(7) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters.

(8) The obligations of parents to provide child support for children.

(9) The illegality of and penalties for knowingly entering into marriage for the purpose of evading the immigration laws of the United States.

(c) TRANSLATION.—

(1) LANGUAGES.—In order to best serve the language groups most recruited by international marriage brokers and having the greatest concentration of K nonimmigrant visa applicants, the Secretary of Homeland Security, in consultation with the Secretary of State, shall translate the information pamphlet developed under this section, subject to paragraph (2), into the following languages:

(A) Arabic.
(B) Chinese.
(C) French.
(D) Hindi.
(E) Japanese.
(F) Korean.
(G) Polish.
(H) Portuguese.
(I) Russian.
(J) Spanish.
(K) Tagalog.
(L) Thai.
(M) Ukrainian.
(N) Vietnamese.

(2) MODIFICATION OF LANGUAGE.—The Secretary of Homeland Security may modify the translation requirements of paragraph (1) if the report submitted under section 836(b) includes recommendations for such modification.

(d) AVAILABILITY AND DISTRIBUTION.—The information pamphlet under this subsection shall be made available and distributed as follows:

(1) INTERNATIONAL MARRIAGE BROKERS AND VICTIM ADVOCACY ORGANIZATIONS.—The information pamphlet shall be made available to each international marriage broker and to each governmental or non-governmental victim advocacy organization.

(2) K NONIMMIGRANT VISA APPLICANTS.—

(A) MAILING WITH IMMIGRATION FORMS.—The information pamphlet shall be mailed by the National Visa Center, of the Secretary of State, to each applicant for a K nonimmigrant visa at the same time that Form DS–3032 is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant, or in English if no translation into the applicant's primary language is available.

(B) POSTING ON NVC WEB SITE.—The Secretary of State shall post the content of the pamphlet on the web site of the National Visa Center, as well as on the web sites of all consular posts processing K nonimmigrant visa applications.

(C) CONSULAR INTERVIEWS.—The Secretary of State shall require that the pamphlet be distributed directly to such applicants at all consular interviews for K nonimmigrant visas. If no written translation into the applicant's primary language is available, the consular officer conducting the visa interview shall review the pamphlet with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English.

SEC. 835. CHANGES IN PROCESSING K NONIMMIGRANT VISAS; CONSULAR CONFIDENTIALITY.

(a) K NONIMMIGRANT VISA PROCESSING.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(1) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears;

(2) by inserting ''(1)'' before ''A visa''; and

(3) by adding at the end the following:

''(2) A United States citizen may not file a petition under paragraph (1) if such a petition filed by that petitioner for another alien fiancée or fiancé is pending or has been approved and is still valid.

''(3) The Secretary of Homeland Security shall provide to the Secretary of State the criminal background information on a petitioner for a visa under clause (i) or (ii) of section 101(a)(15)(K) to which it has access under existing authority in the course of adjudicating the petition.

''(4) Each petitioner for a visa under clause (i) or (ii) of section 101(a)(15)(K) shall provide, as part of the petition, in writing and signed under penalty of perjury, information described in section 833(c)(2) of the International Marriage Broker Regulation Act of 2005.

''(5) The Secretary of State shall ensure that an applicant for a visa under clause (i) or (ii) of section 101(a)(15)(K)—

''(A) shall be provided, by mail or electronically—

''(i) a copy of the petition for such visa submitted by the United States citizen petitioner; and

''(ii) any information that is contained in the background check described in paragraph (3) relating to any court orders, arrests, or convictions described in subparagraphs (A) through (D) of section 833(c)(2) of the International Marriage Broker Regulation Act of 2005;

''(B) shall be informed that petitioner information described in subparagraph (A) is based on available records and may not be complete; and

''(C) shall be asked in the primary language of the visa applicant whether an international marriage broker has facilitated the relationship between the visa applicant and the United States petitioner and whether that international marriage broker complied with the requirements of section 833 of such Act.

''(6) The Secretary shall provide for the disclosure of information described in paragraph (5) to the visa applicant at the consular interview in the primary language of the visa applicant.

''(7) The fact that an alien described in clause (i) or (ii) of section 101(a)(15)(K) is aware of any information disclosed under paragraph (5) shall not be used against the alien in any determination of eligibility for relief under this Act or the Violence Against Women Act (Public Law 103–322; 108 Stat. 1902), and the amendments made by that Act.

''(8) In fulfilling the requirements of paragraph (5)(A)(ii), a consular officer shall not disclose the name or location of any person who obtained a restraining or protective order against the petitioner, but shall disclose the relationship of the person to the petitioner.''.

(b) SHARING OF CERTAIN INFORMATION.—Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) shall not be construed to prevent the sharing of information under section 214(d) of such Act (8 U.S.C. 1184(d)).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed after the date of enactment of this Act.

SEC. 836. STUDY AND REPORT.

(a) STUDY.—The Secretary of Homeland Security, through the Director of the Bureau of Citizenship and Immigration Services, shall conduct a study of the international marriage broker industry in the United States that—

(1) estimates, for the years 1995 through 2005, the number of international marriage brokers doing business in the United States, the number of marriages resulting from the services provided by such brokers, and the extent of compliance with the applicable requirements of this subtitle;

(2) assess the information gathered under this subtitle from clients by international marriage brokers and from petitioners by the Bureau of Citizenship and Immigration Services;

(3) examine, based on the information gathered, the extent to which persons with a history of violence are using the services of international marriage brokers and the extent to which such persons are providing accurate information to international marriage brokers in accordance with section 833;

(4) assess the accuracy of the criminal background check at identifying past instances of domestic violence; and

(5) assess the extent to which the languages of translation required under section 834(c)(1) continue to accurately reflect the highest markets for recruitment by international marriage brokers and the greatest concentrations of K nonimmigrant visa applicants.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives setting forth the results of the study conducted under subsection (a).

SEC. 837. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), section 834, and the amendments made by section 835, this subtitle shall take effect on the date which is 60 days after the date of enactment of this Act.

(b) ADDITIONAL TIME ALLOWED FOR INFORMATION PAMPHLET.—Section 834(b) shall take effect on the date which is 120 days after the date of enactment of this Act.

TITLE IX—SAFETY FOR INDIAN WOMEN

SEC. 901. FINDINGS.

Congress finds that—

(1) 1 out of every 3 Indian (including Alaska Native) women are raped in their lifetimes;

(2) Indian women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black Americans, 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women;

(3) Indian women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women;

(4) during the period 1979 through 1992, homicide was the third leading cause of death of Indian females aged 15 to 34, and 75 percent were killed by family members or acquaintances;

(5) Indian tribes require additional criminal justice and victim services resources to respond to violent assaults against women; and

(6) the unique legal relationship of the United States to Indian tribes creates a Federal trust responsibility to assist tribal governments in safeguarding the lives of Indian women.

SEC. 902. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of violent crimes against Indian women;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to violent crimes committed against Indian women; and

(3) to ensure that perpetrators of violent crimes committed against Indian women are held accountable for their criminal behavior.

SEC. 903. CONSULTATION.

(a) IN GENERAL.—The Attorney General shall conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902) and the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 904. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST INDIAN WOMEN.

(a) NATIONAL BASELINE STUDY.—

(1) IN GENERAL.—The National Institute of Justice, in consultation with the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women in Indian country.

(2) SCOPE.—

(A) IN GENERAL.—The study shall examine violence committed against Indian women, including—

(i) domestic violence;

(ii) dating violence;

(iii) sexual assault;

(iv) stalking; and

(v) murder.

(B) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in subparagraph (A) committed against Indian women.

(C) RECOMMENDATIONS.—The study shall propose recommendations to improve the effectiveness of Federal, State, tribal, and local responses to the violation described in subparagraph (A) committed against Indian women.

(3) TASK FORCE.—

(A) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under paragraph (1) and guide implementation of the recommendation in paragraph (2)(C).

(B) MEMBERS.—The Director shall appoint to the task force representatives from—

(i) national tribal domestic violence and sexual assault nonprofit organizations;

(ii) tribal governments; and

(iii) representatives from the national tribal organizations.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the study.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 and 2007, to remain available until expended.

(b) INJURY STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Indian Health Service and the Centers for Disease Control and Prevention, shall conduct a study to obtain a national projection of—

(A) the incidence of injuries and homicides resulting from domestic violence, dating violence, sexual assault, or stalking committed against American Indian and Alaska Native women; and

(B) the cost of providing health care for the injuries described in subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Indian Affairs of the Senate, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report that describes the findings made in the study and recommends for health care strategies for reducing the incidence and cost of the injuries described in paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each of fiscal years 2006 and 2007, to remain available until expended.

SEC. 905. TRACKING OF VIOLENCE AGAINST INDIAN WOMEN.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.''.

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SEC. 906. SAFETY FOR INDIAN WOMEN FORMULA GRANTS PROGRAM.

(a) ESTABLISHMENT OF THE SAFETY FOR INDIAN WOMEN GRANTS PROGRAM.—

(1) IN GENERAL.—Of the amounts set aside for Indian tribes and tribal organizations in this Act the Attorney General, through the Director of the Office of Violence Against Women (referred to in this section as the ''Director''), shall take such set asides and combine them to establish the Safety for Indian Women Formula Grants Program.

(2) SINGLE FORMULA GRANTS.—The Director shall combine the monies appropriated under the Grants To Combat Violent Crimes Against Women (42 U.S.C. 3796gg–1(b)(1)), Grants To Encourage Arrest Policies and Enforce Protection Orders (42 U.S.C. 3796hh sec. 2101(e)), Legal Assistance for Victims (42 U.S.C. 3796gg–6 sec. 1201(f)(2)(A)), Court Training and Improvements, Sexual Assault Services Program, Safe Haven for Children Pilot Program (42 U.S.C. 10420(f)), Rural Domestic Violence and Child Abuse Enforcement Assistance (42 U.S.C. 1397(c)(3)), to create a single formula grant program to enhance the response of Indian tribal governments to address the safety of American Indian and Alaska Native Women.

(3) ADMINISTRATION.—Grants made under the program established under this section shall be administered by the Tribal Division of the Office on Violence Against Women.

(b) GRANTS.—The purpose of the program authorized by this section is to assist Indian tribal governments to—

(1) develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of Indian women consistent with tribal law and custom;

(2) increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against Indian women;

(3) strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities; and

(4) enhance services to Indian women victimized by domestic violence, dating violence, sexual assault, and stalking.

SEC. 907. TRIBAL DEPUTY IN THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

''SEC. 2007. TRIBAL DEPUTY.

''(a) ESTABLISHMENT.—There is established in the Office on Violence Against Women a Deputy Director for Tribal Affairs.

''(b) DUTIES.—

''(1) IN GENERAL.—The Deputy Director shall under the guidance and authority of the Director of the Office on Violence Against Women—

''(A) oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations;

''(B) ensure that, if a grant under this Act or a contract pursuant to such a grant is made to an organization to perform services that benefit more than 1 Indian tribe, the approval of each Indian tribe to be benefited shall be a prerequisite to the making of the grant or letting of the contract;

''(C) coordinate development of Federal policy, protocols, and guidelines on matters relating to violence against Indian women;

''(D) advise the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to violence against Indian women;

''(E) represent the Office on Violence Against Women in the annual consultations under section 903;

''(F) provide technical assistance, coordination, and support to other offices and bureaus in the Department of Justice to develop policy and to enforce Federal laws relating to violence against Indian women, including through litigation of civil and criminal actions relating to those laws;

''(G) maintain a liaison with the judicial branches of Federal, State, and tribal governments on matters relating to violence against Indian women;

''(H) support enforcement of tribal protection orders and implementation of full faith and credit educational projects and comity agreements between Indian tribes and States; and

''(I) ensure that adequate tribal technical assistance is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to violence against Indian women.

''(c) AUTHORITY.—

''(1) IN GENERAL.—The Deputy Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under this Act, the Violence Against Women Act of 1994 (title IV of Public Law 103–322; 108 Stat. 1902), or the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491) is used to enhance the capacity of Indian tribes to address the safety of Indian women.

''(2) ACCOUNTABILITY.—The Deputy Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

''(A) enhancement to the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

''(B) development and maintenance of tribal domestic violence shelters or programs for battered Indian women, including sexual assault services, that are based upon the unique circumstances of the Indian women to be served;

''(C) development of tribal educational awareness programs and materials;

''(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against Indian women; and

''(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.''.

SEC. 908. ENHANCED CRIMINAL LAW RESOURCES.

(a) FIREARMS POSSESSION PROHIBITIONS.—Section 921(33)(A)(i) of title 18, United States Code, is amended to read: ''(i) is a misdemeanor under Federal, State, or Tribal law; and''.

(b) LAW ENFORCEMENT AUTHORITY.—Section 4(3) of the Indian Law Enforcement Reform Act (25 U.S.C. 2803(3) is amended—

(1) in subparagraph (A), by striking ''or'';

(2) in subparagraph (B), by striking the semicolon and inserting '', or''; and

(3) by adding at the end the following:

''(C) the offense is a misdemeanor crime of domestic violence, dating violence, stalking, or violation of a protection order and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim, and the employee has reasonable grounds to believe that the person to be arrested has committed, or is committing the crime;''.

SEC. 909. DOMESTIC ASSAULT BY AN HABITUAL OFFENDER.

Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 117. Domestic Assault by an Habitual Offender.

''Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subject to Federal jurisdiction—

''(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

''(2) an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.''.

TITLE X—DNA FINGERPRINTING

SEC. 1001. SHORT TITLE.

This title may be cited as the ''DNA Fingerprint Act of 2005''.

SEC. 1002. USE OF OPT-OUT PROCEDURE TO REMOVE SAMPLES FROM NATIONAL DNA INDEX.

Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1)(C), by striking '', provided'' and all that follows through ''System'';

(2) in subsection (d)(2)(A)(ii), by striking ''all charges for'' and all that follows, and inserting the following: ''the responsible agency or official of that State receives, for each charge against the person on the basis of which the analysis was or could have been included in the index, a certified copy of a final court order establishing that such charge has been dismissed or resulted in an acquittal.''; and

(3) by striking subsection (e).

SEC. 1003. EXPANDED USE OF CODIS GRANTS.

Section 2(a)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(1)) is amended by striking ''taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3))'' and inserting ''collected under applicable legal authority''.

SEC. 1004. AUTHORIZATION TO CONDUCT DNA SAMPLE COLLECTION FROM PERSONS ARRESTED OR DETAINED UNDER FEDERAL AUTHORITY.

(a) IN GENERAL.—Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''The Director'' and inserting the following:

''(A) The Attorney General may, as prescribed by the Attorney General in regulation, collect DNA samples from individuals who are arrested or detained under the authority of the United States. The Attorney General may delegate this function within the Department of Justice as provided in section 510 of title 28, United States Code, and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

''(B) The Director''; and

(B) in paragraphs (3) and (4), by striking ''Director of the Bureau of Prisons'' each place it appears and inserting ''Attorney General, the Director of the Bureau of Prisons,''; and

(2) in subsection (b), by striking ''Director of the Bureau of Prisons'' and inserting ''Attorney General, the Director of the Bureau of Prisons,''.

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c)(1)(A) of section 3142 of title 18, United States Code, are each amended by inserting ''and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a)'' after ''period of release''.

SEC. 1005. TOLLING OF STATUTE OF LIMITATIONS FOR SEXUAL-ABUSE OFFENSES.

Section 3297 of title 18, United States Code, is amended by striking ''except for a felony offense under chapter 109A,''.

Mr. REID. Mr. President, I am pleased that the Senate is passing the Violence Against Women Act of 2005, VAWA. This act is the backbone of our country's fight against domestic violence and sexual assault, and its passage could not be more timely, as October is Domestic Violence Awareness Month.

Sadly, domestic violence remains one the most common violent crimes in the United States. In fact, the American Psychological Association estimates that one in three women will experience a physical assault by an intimate partner during adulthood. While Congress has taken steps to curb domestic violence, significant progress must still be made to ensure that women and children are safe in their homes.

I am from one of the fastest growing States in the Nation, and Nevada's rapid growth poses a unique set of challenges in dealing with the increasing levels of domestic and family violence; however, progress is being made. According to the Violence Policy Center, Nevada ranks second in the Nation for the number of murders of women by men. Almost all of these women knew the perpetrator, and in most cases, it was a husband or boyfriend. In 2004, domestic service providers in Nevada aided more than 25,000 primary victims of domestic violence. These services were made possible because of legislation such as VAWA.

Originally enacted in 1994, VAWA was the beginning of a national commitment to the victims of domestic violence and sexual assault. We continued the commitment in 2000 with the first reauthorization of VAWA which added much needed provisions for victims of rape, violence on college campuses, elder abuse, stalking, legal assistance in civil cases, and transitional housing for victims. I am pleased that the 2005 reauthorization of VAWA will address the needs of immigrants, Native Americans, children, and youth. Since the act's original passage, our commitment has yielded extraordinary progress nationwide. Domestic violence has dropped by almost 50 percent. Incidents of rape are down by 60 percent. The number of women killed by an abusive husband or boyfriend is down by 22 percent, and more than half of all rape victims are stepping forward to report the crime. Additionally, over a million women have found justice in our courtrooms and obtained domestic violence protective orders.

I must, however, make clear my dismay at the last-minute inclusion of a controversial and ill-advised amendment to this legislation allowing for the collection of DNA evidence from

people who are arrested or detained. I believe authorizing the collection of DNA evidence without probable cause is an invitation to racial profiling, infringes on privacy rights, and may well be unconstitutional. This provision has no place in this important legislation, and I would urge in the strongest terms that it be removed in conference.

Despite the incredible strides made to end domestic violence, there is still much work to be done. We cannot lose sight of the horror which so many victims experience every day, but which rarely appears on network news. Domestic Violence Awareness Month is an opportunity to raise that awareness. It is especially important to recognize the tragedy that is domestic violence in the aftermath of Hurricanes Katrina and Rita. Many domestic violence shelters and rape crisis centers in the gulf coast region were destroyed by these storms. For this reason, I worked to obtain an additional $9 million in the Senate's Justice Department appropriations bill. It is my hope that these funds will be included in conference and will not only rebuild the damaged facilities but will aid the coalitions that work every day to end domestic and sexual violence and will prove our commitment to their cause.

This legislation addresses the housing crisis that currently exists for victims fleeing their homes, provides more economic stability for victims by taking measures to improve their employment, and creates initiatives to educate and prevent domestic violence from occurring in the first place. The Senate's unanimous passage today of VAWA 2005 demonstrates the Senate's commitment to this important quest.

Mr. BIDEN. Mr. President, because the Violence Against Women Act authorization expires today, it is necessary that we pass legislation to reauthorize this bill immediately. As a result, the Senate does not have an opportunity to debate and vote on all the amendments that Senators may wish to offer to this bill.

One such amendment that the Senator from Oklahoma, Dr. COBURN, had intended to offer would address the issue of HIV and sexual assault and seek greater testing for HIV disease among sexual assault defendants.

I would ask the Senator from Oklahoma, who is a practicing physician, to comment on the merits of this proposal and why it is so important.

Mr. COBURN. Mr. President, I thank Senator BIDEN and all those who have worked hard on this bill. I have a few comments on my amendment about protecting victims of rape and sexual assault from being further victimized by HIV/AIDS.

As a practicing physician, I am deeply concerned about both the physical and emotional well-being of those who have been traumatized by rape and sexual assault. That is why I believe that it is necessary for the reauthorization of the Violence Against Women Act to include timely HIV tests of those accused of rape and sexual assault.

There are countless stories of women and children who have been victims of rape and sexual assault who have been denied access to this potentially lifesaving information. In some circumstances, rape defendants have even used HIV status information as a plea bargaining tool to reduce their sentences.

Let me explain why this is important.

Treatment with AIDS drugs immediately following exposure to HIV can significantly reduce the chance of infection. However, because of the toxicity and long-term side effects, these drugs should not be administered without first knowing if HIV exposure has occurred. Victims cannot rely solely on testing themselves because it can take weeks, sometimes months, before HIV antibodies can be detected, Therefore, testing the assailant is the only timely manner in which to determine if someone has been exposed to HIV.

The American Medical Association, AMA, supports this policy because ''early knowledge that a defendant is HIV infected would allow the victim to gain access to the ever growing arsenal of new HIV treatment options. In addition, knowing that the defendant was HIV infected would help the victim avoid contact which might put others at risk of infection.''

In addition to the AMA, groups such as the Children's AIDS Fund and Women Against Violence support this policy.

The Omnibus Crime Control Act of 1994 already allows victims to request a court order to have alleged perpetrators tested for HIV only in Federal assault cases. In October 2000, the House of Representatives overwhelmingly approved a bill, 380 to 19, that would have provided this right and protection to all those who were the victims of sexual assault, but, unfortunately, the Senate never took up this bill. But now is our chance.

It would be a cruel hoax if the Senate approved the Violence Against Women Act of 2005 without including this amendment that ensures those women who have already been victimized by sexual assault are not further victimized by our legal system and HIV/AIDS.

I propose an amendment that would reduce the overall amount of funding under this act for a State or local government by 10 percent unless the State or local government demonstrates that with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, that the defendant be tested for HIV disease if the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV; and the victim requests that the defendant be so tested. The defendant must undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as soon thereafter as is practicable the results of the test are made available to the victim.

My initiative would not force States to provide this protection, but simply reward those States that do. This right, in fact, already exists in some States but too many women and children are still denied this information that could literally be the difference between life and death.

Do I understand from the Senator from Delaware that constitutional language, ensuring that indicted perpetrators of sexual assault, who have placed the victim at risk of becoming infected with HIV disease, are tested for HIV disease, will be included in the final legislative language agreed upon by the House and Senate conference?

Mr. BIDEN. Yes, that is correct.

Mr. COBURN. I thank the Senator for his commitment to include language in the final reauthorization and for his commitment to reduce violence and protect those who are the victims of sexual assault.

I would also like to recognize the tireless efforts of Deidre Raver of New York who was raped at the age of 19 and has been an effective and compassionate advocate for other survivors of sexual assault. Earlier this month, DNA evidence linked a man on death row in California to the 1988 murder of Deidre's sister, Rachel. My thoughts and prayers are with Deidre and her family at this time and I am hopeful that this discovery will finally bring some closure to her family's long ordeal.

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

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

The amendment (No. 2045) was agreed to.

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

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1197), as amended, was read the third time and passed, as follows:

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

AWARDING OF A CONGRESSIONAL GOLD MEDAL TO THE TUSKEGEE AIRMEN

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Banking be discharged from further consideration of S. 392 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 (S. 392) to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

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

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

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

The bill (S. 392) was read the third time and passed, as follows:

S. 392

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) In 1941, President Franklin D. Roosevelt overruled his top generals and ordered the creation of an all Black flight training program. President Roosevelt took this action one day after the NAACP filed suit on behalf of Howard University student Yancy Williams and others in Federal court to force the Department of War to accept Black pilot trainees. Yancy Williams had a civilian pilot's license and had earned an engineering degree. Years later, Major Yancy Williams participated in an air surveillance project created by President Dwight D. Eisenhower.

(2) Due to the rigid system of racial segregation that prevailed in the United States during World War II, Black military pilots were trained at a separate airfield built near Tuskegee, Alabama. They became known as the ''Tuskegee Airmen''.

(3) The Tuskegee Airmen inspired revolutionary reform in the Armed Forces, paving the way for full racial integration in the Armed Forces. They overcame the enormous challenges of prejudice and discrimination, succeeding, despite obstacles that threatened failure.

(4) From all accounts, the training of the Tuskegee Airmen was an experiment established to prove that so-called ''coloreds'' were incapable of operating expensive and complex combat aircraft. Studies commissioned by the Army War College between 1924 and 1939 concluded that Blacks were unfit for leadership roles and incapable of aviation. Instead, the Tuskegee Airmen excelled.

(5) Overall, some 992 Black pilots graduated from the pilot training program of the Tuskegee Army Air Field, with the last class finishing in June 1946, 450 of whom served in combat. The first class of cadets began in July 1941 with 13 airmen, all of whom had college degrees, some with Ph.D.'s, and all of whom had pilot's licenses. One of the graduates was Captain Benjamin O. Davis Jr., a United States Military Academy graduate. Four aviation cadets were commissioned as second lieutenants, and 5 received Army Air Corps silver pilot wings.

(6) That the experiment achieved success rather than the expected failure is further evidenced by the eventual promotion of 3 of these pioneers through the commissioned officer ranks to flag rank, including the late General Benjamin O. Davis, Jr., United States Air Force, the late General Daniel ''Chappie'' James, United States Air Force, our Nation's first Black 4-star general, and Major General Lucius Theus, United States Air Force (retired).

(7) Four hundred fifty Black fighter pilots under the command of then Colonel Benjamin O. Davis, Jr., fought in World War II aerial battles over North Africa, Sicily, and Europe, flying, in succession, P–40, P–39, P–47, and P–51 aircraft. These gallant men flew 15,553 sorties and 1,578 missions with the 12th Tactical Air Force and the 15th Strategic Air Force.

(8) Colonel Davis later became the first Black flag officer of the United States Air Force, retired as a 3-star general, and was honored with a 4th star in retirement by President William J. Clinton.

(9) German pilots, who both feared and respected the Tuskegee Airmen, called them the ''Schwartze Vogelmenshen'' (or ''Black Birdmen''). White American bomber crews reverently referred to them as the ''Black Redtail Angels'', because of the bright red painted on the tail assemblies of their fighter aircraft and because of their reputation for not losing bombers to enemy fighters as they provided close escort for bombing missions over strategic targets in Europe.

(10) The 99th Fighter Squadron, after having distinguished itself over North Africa, Sicily, and Italy, joined 3 other Black squadrons, the 100th, the 301st, and the 302nd, designated as the 332nd Fighter Group. They then comprised the largest fighter unit in the 15th Air Force. From Italian bases, they destroyed many enemy targets on the ground and at sea, including a German destroyer in strafing attacks, and they destroyed numerous enemy aircraft in the air and on the ground.

(11) Sixty-six of these pilots were killed in combat, while another 32 were either forced down or shot down and captured to become prisoners of war. These Black airmen came home with 150 Distinguished Flying Crosses, Bronze Stars, Silver Stars, and Legions of Merit, one Presidential Unit Citation, and the Red Star of Yugoslavia.

(12) Other Black pilots, navigators, bombardiers and crewman who were trained for medium bombardment duty as the 477th Bomber Group (Medium) were joined by veterans of the 332nd Fighter Group to form the 477th Composite Group, flying the B–25 and P–47 aircraft. The demands of the members of the 477th Composite Group for parity in treatment and for recognition as competent military professionals, combined with the magnificent wartime records of the 99th Fighter Squadron and the 332nd Fighter Group, led to a review of the racial policies of the Department of War.

(13) In September 1947, the United States Air Force, as a separate service, reactivated the 332d Fighter Group under the Tactical Air command. Members of the 332d Fighter Group were ''Top Guns'' in the 1st annual Air Force Gunnery Meet in 1949.

(14) For every Black pilot there were 12 other civilian or military Black men and women performing ground support duties. Many of these men and women remained in the military service during the post-World War II era and spearheaded the integration of the Armed Forces of the United States.

(15) Major achievements are attributed to many of those who returned to civilian life and earned leadership positions and respect as businessmen, corporate executives, religious leaders, lawyers, doctors, educators, bankers, and political leaders.

(16) A period of nearly 30 years of anonymity for the Tuskegee Airmen was ended in 1972 with the founding of Tuskegee Airmen, Inc., in Detroit, Michigan. Organized as a non-military and nonprofit entity, Tuskegee Airmen, Inc., exists primarily to motivate and inspire young Americans to become participants in our Nation's society and its democratic process, and to preserve the history of their legacy.

(17) The Tuskegee Airmen have several memorials in place to perpetuate the memory of who they were and what they accomplished, including—

(A) the Tuskegee Airmen, Inc., National Scholarship Fund for high school seniors who excel in mathematics, but need financial assistance to begin a college program;

(B) a museum in historic Fort Wayne in Detroit, Michigan;

(C) Memorial Park at the Air Force Museum at Wright-Patterson Air Force Base in Dayton, Ohio;

(D) a statue of a Tuskegee Airman in the Honor Park at the United States Air Force Academy in Colorado Springs, Colorado; and

(E) a National Historic Site at Moton Field, where primary flight training was performed under contract with the Tuskegee Institute.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to the Tuskegee Airmen, on behalf of Congress, a gold medal of appropriate design honoring the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, an amount not to exceed $30,000 to pay for the cost of the medals authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

ORDERS FOR WEDNESDAY, OCTOBER 5, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, October 5; 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 then resume consideration of H.R. 2863, the Defense appropriations bill. I further ask unanimous consent the Senate stand in recess from 12:30 to 2:15 p.m. to accommodate the weekly party luncheons.

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

PROGRAM

Mr. FRIST. Mr. President, today we continued on the Defense appropriations bill, and several amendments

were offered and debated. As previously announced, any votes ordered will begin tomorrow at sundown. The first vote will occur at approximately 7:30 tomorrow evening. Moments ago, I filed a cloture motion on the Defense appropriations measure. We are working with a compressed Senate schedule this week, and I filed this motion to ensure that the Senate will finish the Defense appropriations bill by the end of this week. The cloture vote will not occur until Thursday. Therefore, we can dispose of amendments throughout tomorrow and tomorrow evening, voting on them prior to Thursday's votes. I will announce again that we need to finish this bill prior to the Senate adjourning for the recess next week.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. 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 6:36 p.m., adjourned until Wednesday, October 5, 2005, at 10 a.m.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10913–S11057

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 1815–1819, and S. Res. 264. **Page S10972**

Measures Passed:

Expressing Sympathy to the People of Indonesia: Senate agreed to S. Res. 264, expressing sympathy for the people of Indonesia in the aftermath of the deadly terrorist attacks in Bali on October 1, 2005. **Page S10998**

Violence Against Women Act: Senate passed S. 1197, to reauthorize the Violence Against Women Act of 1994, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S10998–S11055**

Frist (for Specter) Amendment No. 2045, to make certain technical corrections. **Page S11055**

Tuskegee Airmen Gold Medal Authorization: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of S. 392, to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces, and the bill was then passed. **Pages S11055–56**

Department of Defense Appropriations: Senate continued consideration of H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, taking action on the following amendments proposed thereto: **Pages S10916–68**

Pending:

Bayh Amendment No. 1933, to increase by $360,800,000 amounts appropriated by title IX for Other Procurement, Army, for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan, and to increase by $5,000,000 amounts appropriated by title IX for Research, Development, Test and Evaluation, Defense-Wide, for industrial preparedness for the implementation of a ballistics engineering research center. **Pages S10917–18**

McCain Amendment No. 1978, to prohibit the use of funds to pay salaries and expenses and other costs associated with reimbursing the Government of Uzbekistan for services rendered to the United States at Karshi-Khanabad airbase in Uzbekistan. **Pages S10918–22**

Reed/Hagel Amendment No. 1943, to transfer certain amounts from the supplemental authorizations of appropriations for Iraq, Afghanistan, and the Global War on Terrorism to amounts for Operation and Maintenance, Army, Operation and Maintenance, Marine Corps, Operation and Maintenance, Defense-wide activities, and Military Personnel in order to provide for increased personnel strengths for the Army and the Marine Corps for fiscal year 2006. **Pages S10925–27**

Warner/Levin Modified Amendment No. 1955, 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. **Page S10928**

Subsequently, Senator Stevens raised a point of order against the amendment, as being in violation of Rule XVI of the Standing Rules of the Senate which prohibits legislation on an appropriations bill; following which, Senator Warner asserted the defense of germaneness relative to the amendment. **Page S10967**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, October 6, 2005. **Page S10967**

A unanimous-consent agreement was reached providing that Warner/Levin Modified Amendment No. 1955 (listed above) and the related point of order (listed above) be set aside temporarily to reoccur at 7:30 p.m. on Wednesday, October 5, 2005. **Page S10967**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m. on Wednesday, October 5, 2005. **Page S11056**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report entitled "Continued Production of the Naval Petroleum Reserves Beyond April 5, 2006"; which was referred to the Committee on Armed Services. (PM–25)

Page S10972

Additional Cosponsors: Pages S10972–74

Statements on Introduced Bills/Resolutions: Pages S10974–76

Amendments Submitted: Pages S10977–98

Adjournment: Senate convened at 9:45 a.m., and adjourned at 6:36 p.m., until 10 a.m., on Wednesday, October 5, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S11056–57.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

The House was not in session today. The House will meet at 10 a.m. on Thursday, October 6 for Legislative Business.

Committee Meetings

No committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1004)*

H.R. 2132, to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency. Signed on September 30, 2005. (Public Law 109–78)

H.R. 2385, to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program. Signed on September 30, 2005. (Public Law 109–79)

H.R. 3200, to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program. Signed on September 30, 2005. (Public Law 109–80)

H.R. 3784, to provide additional funds to local educational agencies for elementary and secondary education and pupil services for students displaced by Hurricane Katrina. Signed on September 30, 2005. (Public Law 109–81)

H.R. 3864, to provide vocational rehabilitation services to individuals with disabilities affected by Hurricane Katrina or Hurricane Rita. Signed on September 30, 2005. (Public Law 109–82)

S. 1752, to amend the United States Grain Standards Act to reauthorize that Act. Signed on September 30, 2005. (Public Law 109–83)

H.R. 3667, to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station". Signed on October 4, 2005. (Public Law 109–84)

H.R. 3767, to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the "Jacob L. Frazier Post Office Building". Signed on October 4, 2005. (Public Law 109–85)

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 5, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: Subcommittee on Trade, Tourism, and Economic Development, to hold hearings to examine spyware, 2:30 p.m., SD–562.

Committee on Environment and Public Works: to hold hearings to examine the status of efforts to reduce greenhouse gases relating to the Kyoto Protocol, 2:30 p.m., SD–406.

Committee on Foreign Relations: business meeting to consider the nominations of Robert A. Mosbacher, of Texas, to be President of the Overseas Private Investment Corporation, Jan E. Boyer, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank, C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador, Francis Rooney, of Florida, to be Ambassador to the Holy See, Alfred Hoffman, of Florida, to be Ambassador to the Republic of Portugal, Thomas A. Shannon, Jr., of Virginia, to be an Assistant Secretary of State for Western Hemisphere Affairs, Charles A. Ford, of Virginia, to be Ambassador to the Republic of Honduras, Mark Langdale, of Texas, to be Ambassador to the Republic of Costa Rica, Brenda LaGrange Johnson, of New

York, to be Ambassador to Jamaica, Alexander R. Vershbow, of the District of Columbia, to be Ambassador to the Republic of Korea, Patricia Louise Herbold, of Washington, to be Ambassador to the Republic of Singapore, William Paul McCormick, of Oregon, to be Ambassador to New Zealand, and serve concurrently and without additional compensation as Ambassador to Samoa, John J. Danilovich, of California, to be Chief Executive Officer, Millennium Challenge Corporation, John Hillen, of Virginia, to be Assistant Secretary of State for Political-Military Affairs, Barry F. Lowenkron, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor, Kent R. Hill, of Virginia, to be Assistant Administrator of the United States Agency for International Development, Jacqueline Ellen Schafer, of the District of Columbia, to be Assistant Administrator of the United States Agency for International Development, Josette Sheeran Shiner, of Virginia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development, Jendayi Elizabeth Frazer, Assistant Secretary of State for African Affairs, to be a Member of the Board of Directors of the African Development Foundation, and a promotion list in the foreign service, 2:15 p.m., S–116, Capitol.

Select Committee on Intelligence: to receive a closed briefing regarding certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine preparing for and meeting the needs of older Americans during a disaster, 10:30 a.m., SH–216.

House

Committee on Government Reform, Subcommittee on Federal Workforce and Agency Organization, hearing entitled ''Mom, Apple Pie, and Working for America: Accountability and Rewards for the Federal Workforce,'' 10 a.m., 2154 Rayburn.

Next Meeting of the **SENATE**

10 a.m., Wednesday, October 5

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 2863, Defense Appropriations. At 7:30 p.m., Senate will consider the question of germaneness relative to Warner/Levin Modified Amendment No. 1955.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, October 6

House Chamber

Program for Thursday: To be announced.

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